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# Ten Thousand Commandments, 2026

An Annual Snapshot of the Federal Regulatory State

30<sup>th</sup> Anniversary Competitive Enterprise Institute Edition

*by Clyde Wayne Crews Jr.*

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# Introduction

Record federal spending and record-setting regulatory burdens often march in lockstep. New spending is straightforward to track, but regulations obliging the private sector to shoulder compliance costs are a different story. These off-budget mandates expand despite Congress's occasional attempts to check them. And the Biden-era hunger for top-down control on energy, climate, family leave, and child care has not disappeared with the return of Donald J. Trump, but shifted.

Just as consumers shoulder much of the corporate income tax and tariff burden, regulatory compliance costs and mandates borne by businesses percolate through the economy and materialize as higher prices, lost jobs, and lower output. Off-budget regulatory costs can drag down the economy, just as overspending can.

That overspending is significant. The Congressional Budget Office's 2026 *Budget and Economic Outlook*, covering fiscal year (FY) 2025 with projections for FY 2026 to FY 2036, depicts discretionary, entitlement, and interest spending of \$7.01 trillion in FY 2025. Spending is projected to top \$7.45 trillion in 2026 and exceed \$10 trillion in 2033. The deficit stood at \$1.775 trillion in 2025 and is expected to top \$2 trillion again in 2028 and remain well above that level. Total national debt now exceeds \$38 trillion, up from almost \$20 trillion when Donald Trump first assumed office in 2017. Interest payments alone are projected to exceed \$1 trillion for the foreseeable future.

Regulations lack such precise quantification but should set off similar alarms. When the administrative state began its march over a century ago, few imagined the tangle of hundreds of thousands of rules, guidance documents and other

sub-regulatory forays it would produce and preserve. In recent years, even modest liberalizations during the first Trump administration were reversed by Joe Biden, who changed the Office of Management and Budget's (OMB) mission away from oversight and toward the active promotion of regulatory initiatives. The stronger second Trump administration agenda remains similarly vulnerable if Congress does not codify certain elements of it or advance alternative streamlining reforms.

Prior editions of *Ten Thousand Commandments* detailed Trump's streamlining effort (2021) and Biden's reversals and implementation of ambitious whole-of-government spending and regulatory initiatives spanning climate, equity, economic, and social matters, an agenda capped with an appetite for censorship and surveillance. This 2026 edition covers the successes and shortcomings of Trump's rollbacks and streamlining, as well as discordant interventionist elements that undermine or even, to borrow at term, swamp Trump's deregulatory agenda altogether.

A century of enabling statutes erecting the administrative state as well as massive spending programs that pre-load regulation across the board are the primary vehicles for regulatory expansion, embedding mandates and incentives that no president can easily undo alone. Grants-in-aid, procurement rules, and delegated discretion increasingly ensure that regulatory policy continues to advance even

when formal rulemaking slows, which is happening under Trump. Claims of historic deregulation must therefore be evaluated against the broader backdrop of federal spending, congressional disregard of enumerated powers when it comes to economic and social intervention, agency reach and accumulated administrative authority. To that, add Trump's own regulatory proclivities.

With the executive now doing most lawmaking, Congress needs to reclaim its responsibilities. It can do this by overturning vague and broad statutes that have enabled the modern administrative state that operates almost without checks and balances from the other branches of government. At the very least, Congress should approve costly or controversial agency rules before they become binding. Congress should be held accountable for regulatory actions, not bureau personnel. This is a difficult project, in part because Congress likes being able to shift blame for unpopular spending and rules over to unelected bureaucracies.

Other reforms include regulatory sunset-ting and budgeting; a regulatory reduction commission; and the limitation, streamlining, and inventorying of guidance documents to prohibit the rise of largely untraceable rule equivalents that can substitute for conventional rulemaking. Annual regulatory transparency report cards are needed to document and keep tabs on progress, as the administrative state has great resilience.

## Takeaways

- ▶ Federal regulation's total compliance costs and economic effects are at least \$2.153 trillion annually, and certainly vastly higher. This marker is essentially unchanged from last year, as Trump's reported annualized regulatory costs savings of approximately \$15 billion are offset by inflation applied to legacy economic costs of coincidentally similar magnitude.
- ▶ An October 2023 National Association of Manufacturers (NAM) report models regulatory compliance at \$3.079 trillion annually. Other studies imply far higher costs. This report's conservative placeholder is intended to induce Congress to enforce compliance with the Regulatory Right-to-Know Act's requirement for an official aggregate estimate.
- ▶ US households pay on average \$15,859 annually in a hidden regulatory tax, which consumes 15 percent of income and 20 percent of household expenses.
- ▶ These household outlays exceed expenditures on health care, food, transportation, entertainment, apparel, services, and savings. Only the costs of housing, which stand at \$26,266 annually, exceed regulation.
- ▶ The higher NAM figure implies \$22,680 per household, or 29 percent of the household expense budget.
- ▶ The regulatory tax of \$2.153 trillion rivals individual income taxes of \$2.426 trillion for 2024 and stands at over four times corporate income tax collections of \$530 billion.
- ▶ The NAM regulatory cost figure of \$3.079 trillion annually exceeds the sum of both individual and corporate taxes (\$2.956 trillion).
- ▶ If US regulation were a country, it would be the world's 11<sup>th</sup>-largest economy, ranking behind the Russian Federation and ahead of the Korean Republic. The NAM cost figure of \$3.079 trillion would peg the US regulations as 7<sup>th</sup> largest nation between France and Italy.
- ▶ Dead Tape: The 10.5 billion hours Washington says it took to complete federal paperwork according to the 2023 *Information Collection Budget* translate to the equivalent of 14,983 human lifetimes.
- ▶ Trump signed 22 Congressional Review Act (CRA) resolutions of disapproval—more than all such resolutions enacted prior to 2025 combined—overturning late-term Biden-era regulations.
- ▶ Since 1996, the year the CRA was passed, 107,650 rules have been issued. Given that only 42 resolutions of disapproval have been enacted to revoke final rules, that yields a rather uninspiring overturn success ratio of just 0.0004 percent. If deconstruction of the administrative state ever occurs, it will not happen by means of the CRA.
- ▶ Agencies under Trump issued 2,441 new final regulations in 2025, many of them deregulatory in nature. This

is the lowest rule tally of all time, compared to the prior record low of 2,964 in 2019, also under Trump. Of 2025's 2,441 rules, 243 belong to Biden, leaving Trump a net of 2,198. Trump's stand as the only sub-3,000 annual rule counts since recordkeeping began in the 1970s. In Biden's final year, for example, 3,248 final rules were issued. Before 2005, final rule counts always exceeded 4,000.

- ▶ The *Federal Register* containing those rules plummeted 43 percent, from Biden's record-breaking tally of 106,109 pages to 60,917 pages.
- ▶ Congress enacted 133 laws in calendar year 2025, compared to those 2,441 rules. Thus, agencies issued rules at a pace of 18 for every law enacted by Congress.
- ▶ This Unconstitutionality Index—the ratio of regulations issued by agencies to laws passed by Congress and signed by the president—underlines how much agency lawmaking has significantly replaced that of elected officials. The average Index over the past 10 years is 22 rules for every law.
- ▶ Since the *Federal Register* first began itemizing final rules in 1976, 223,623 have been issued. Since 1993, when the first edition of *Ten Thousand Commandments* appeared, agencies have issued 126,536 final rules.
- ▶ The last official White House *Report to Congress on the Benefits and Costs of Federal Regulations* was a 2024 draft version covering fiscal year 2023. No reports for fiscal years 2024 and

2025 have been released. This year, therefore, the administration's cost updates contained in its year-end *Regulatory Reform under Executive Order 14192: Final Accounting for Fiscal Year 2025*, or *Final Accounting* for short, are employed to update our aggregate cost placeholder in lieu of the official, statutorily required reporting.

- ▶ In this *Final Accounting* on EO 14192's one-in, ten-out directive, OMB reports that agencies issued 646 deregulatory actions and five significant regulatory actions, for a ratio of 129-to-1.
- ▶ The administration's *Final Accounting* asserts that "Regulations eliminated in 2025 will save about \$211.8 billion in present and future regulatory costs across the government." This present value, annualized with the *Final Accounting's* "perpetual time horizon and a 7 percent discount rate" yields an annual savings figure of \$14.8 billion employed in this report. Just three rules, however, account for over 80 percent of the declared savings.
- ▶ Conversely, but noted for context, in the draft 2024 *Report to Congress on the Benefits and Costs of Federal Regulations* only 19 major rules had both benefits and costs quantified. These, however, added \$16.1 billion to the annual regulatory cost bill; another 10 rules with costs but not benefits quantified added another \$1.94 billion to annual costs.
- ▶ A \$2.153 trillion regulatory burden amounts to seven percent of 2025 US

gross domestic product (GDP), estimated by the Commerce Department at \$31.1 trillion. The NAM regulatory figure of \$3.079 trillion implies regulatory costs of 10 percent of GDP.

- ▶ Regulatory costs exceed half the level of total 2024 corporate pretax profits of \$4.179 trillion. The NAM figure would take that to 74 percent.
- ▶ When regulatory costs of \$2.153 trillion are combined with 2025 federal outlays of \$7.01 trillion, the federal government's share of the \$31.1 trillion economy reaches 30 percent. State and local spending and regulation add to these costs.
- ▶ The fall 2025 edition of the twice-yearly *Unified Agenda of Federal Regulatory and Deregulatory Actions* was never issued. Given the September appearance of the spring edition, it is being treated as definitive for purposes of this report along with the *Final Accounting*.
- ▶ The spring 2025 edition of the *Unified Agenda* finds 69 federal departments, agencies, and commissions presenting 3,816 regulatory actions flowing through the pipeline as follows:
  - ▷ 2,098 rules in the active (prerule, proposed, final) phase.
  - ▷ 911 recently completed rules.
  - ▷ 807 long-term rules.
- ▶ The five most active rule-producing executive branch entities in the *Unified Agenda*—the departments of Transportation, the Interior, the Treasury, Commerce, and the Environmental Protection Agency—account for 1,762 rules, or 46 percent of all rules in the pipeline. The five most active independent agencies account for another 346 rules.
- ▶ Of the 3,816 regulations in the spring 2025 *Unified Agenda* pipeline, 243 are economically significant rules (at least \$100 million in economic effect), a number of them aimed at regulatory streamlining. They break down as follows:
  - ▷ 148 rules in the active (prerule, proposed, final) phase.
  - ▷ 40 completed rules.
  - ▷ 55 long-term rules.
- ▶ The Government Accountability Office database of major rules as defined in the Congressional Review Act contains 79 finalized major rules (including deregulatory measures) for 2025 as of January 2026, down sharply from 168 under Biden in calendar year 2024.
- ▶ Final rules affecting small business as reported in the 2025 *Federal Register* fell to 599, down from 770 under Biden in 2024. Biden's four years averaged 846 rules annually affecting small business, compared with 694 for Obama and 701 during Trump's first term. Deregulatory measures are prominent in both Trump terms.
- ▶ Of the 3,816 rules and regulations in the spring 2025 *Unified Agenda* pipeline (active, completed, long-term), 655 affect small businesses; of those, 310 required an official regulatory flexibility analysis.

- ▶ Rules in the pipeline affecting state governments stand at 411, while rules affecting local governments stand at 279.
- ▶ From the nation's founding through Biden, presidents issued over 15,661 executive orders. Trump issued 225 in 2025, more than John F. Kennedy, Gerald Ford, George H.W. Bush, and Trump himself (2017-2020) each did during their entire four-year terms.
- ▶ Public notices in the *Federal Register* have always exceeded 22,000 annually, until 2025 when they fell to 19,280. (They had surged to 25,506 in 2024.) There have been 752,200 public notices since 1994 and over a million since the 1970s. While uncounted guidance documents and other proclamations having potential regulatory effect appear among public notices, most such guidance documents issued do not appear in the *Federal Register* at all.

# Trump 2.0: Year one and the regulatory state's uneven reset

*“It is the policy of my Administration to focus the executive branch’s limited enforcement resources on regulations squarely authorized by constitutional Federal statutes, and to commence the deconstruction of the overbearing and burdensome administrative state.”<sup>1</sup>*

—Executive Order 14219

This report’s placeholder number for the aggregate cost of federal regulation in 2025 is \$2.155 trillion. This is a considerable understatement. This is partially because the number is based on the government’s self-reported numbers, which tend to downplay costs and exaggerate benefits. It is also partially because calculating true

regulatory costs is an impossible exercise. Not all costs and benefits are quantifiable, and opportunity costs are impossible to know with precision.

Still, some information is better than none. The goal in providing this report’s intentionally conservative estimate is to encourage Congress to require agencies to provide better information. Congress should at least enforce the already-disregarded official aggregate annual cost assessment already required of OMB by the Regulatory Right-to-Know Act. Congress should also vote to explicitly approve costly or controversial regulations, or to enact regulatory budgets by other means.

This year's edition of *Ten Thousand Commandments* modifies the placeholder slightly with Trump's year-end claimed deregulatory *Final Accounting* and by inflating an already conservative economic cost component, resulting in an effectively unchanged tally as we will see of \$2.153 trillion.

Recent editions of *Ten Thousand Commandments* documented the Biden administration's cross-agency consolidation of federal power through executive actions, guidance documents, subsidies, and partnerships into numerous whole-of-government expansions involving coercive diversity, equity and inclusion (DEI) policies, net-zero energy demands, union labor mandates and more.

Rhetorically, though not always in practice, Trump's return to office rejected Biden's governing philosophy. Trump aimed at halting, reversing, or neutralizing some of each of his predecessors' most visible regulatory initiatives and terminating overtly ideological mandates.

Certain Trump executive actions have restored more cost-conscious regulatory review principles, emphasized energy production and permitting acceleration, an effective freeze on most major new regulatory undertakings, and rescissions and delays of existing ones. These moves reflected a familiar orientation toward speedy visible deregulation also seen in the first Trump administration. The

White House *Final Accounting for Fiscal Year 2025 under Executive Order 14192* claimed a ratio of 129 rules out for each one in, with accompanying total savings of \$212 billion.<sup>2</sup>

In addition to executive actions, Trump signed 22 Congressional Review Act (CRA)-based resolutions of disapproval overturning late-term Biden-era regulations,<sup>3</sup> more than all other resolutions prior to 2025 combined.<sup>4</sup>

There are limits to executive-driven deregulation. It tends to leave intact the administrative state's institutional structures that continually generate new regulations. Executive action is also unable to affect congressional spending, which is often regulation through other means. Subsidy programs might have strings attached for labor standards or hiring practices, for example. Executive-driven deregulation is limited even further when the presumed streamliner is himself a transaction-oriented interventionist rather than a committed deregulator.<sup>5</sup>

While 2025 was indeed the year of the Trump "unrule" with a starkly reduced regulatory flow that also included rescissions, delays and relaxations of enforcements,<sup>6</sup> these retreats were offset by other forms of presidential intervention. Trump's regulatory streamlining has not actually translated into governing less. As during Trump's first term, regulation does not necessarily disappear. It may

instead transform into ways that do not appear in the *Federal Register*.

Trump's agenda exposes severe tensions between deregulation rhetoric and governing reality. On one hand, 2025's rulemaking tallies and *Federal Register* page counts show extraordinary restraint relative to Biden's record-setting years. On the other hand, Trump elsewhere grew government intervention, to the point of partial nationalizations of private firms such as Intel, MP Materials, and U.S. Steel.<sup>7</sup>

Regulators are setting artificial intelligence policy, for example, less through formal regulations than through informal policies such as jawboning, procurement, defense acquisitions, standards-setting, and public-private partnerships.<sup>8</sup> Trump also liberally uses emergency powers, and rarely to deregulate, as he had done in part during the COVID era.<sup>9</sup>

Federal funds continue to flow in ways that enable bureaucratic discretion to impose regulatory conditions from education to business enterprise. Antitrust regulation is as active as ever.<sup>10</sup> Buy American requirements persist, while tariffs are at their highest levels since the Great Depression.<sup>11</sup>

While the Trump administration has curtailed certain Biden-era censorship initiatives and government-funded content moderation, it has continued or expanded surveillance authorities,

data collection programs, and technology-enabled regulatory enforcement across agencies.

Moves toward household resilience such as Trump Accounts for newborns<sup>12</sup> risk being offset by other policies such as proposed tariff-funded stimulus checks that would set the stage for Universal Basic Income in the future.<sup>13</sup>

Trump's rejection of specific Biden policies in no way translates into a rejection of federal economic steering. Many of Trump's interventions fit in with a century of progressive pursuits of economic and social control. All these contradictory impulses complicate efforts to regard regulatory burdens and savings as being captured by traditional counts alone.

Executive-led deregulation can sometimes have permanent effects.<sup>14</sup> It is still not enough to counteract decades of sweeping governance by institutionalized bureaucracy. Such power can also be abused later on.

A future administration, citing Trump's claimed presidential powers, could reinstate climate mandates, equity directives, and whole-of-government coordination, reversing the reductions Trump implemented while also expanding upon Trump's discordant legitimization of the underlying progressive control agenda.

Meaningful reform requires Congress to do more than applaud Trump's rollbacks

or criticize agencies. It must terminate departments, agencies, and programs. It must shrink agency budgets. It must restore decision-making authority to states, localities, markets, and households. Most importantly, it must stick to its enumerated powers. The disregard of the limits of federal power lies at the root of the excesses of Trump and conventional progressives alike. One year into the second Trump administration,

the administrative state remains poised for yet more expansion.

Under Trump, we cannot say that regulation broadly construed—as distinct from the conventional notice-and-comment style in the *Federal Register* that has cratered—has decreased. So perhaps it is fitting that our placeholder figure is holding steady.

# Why we need a regulatory budget

Federal spending programs are funded either by taxes or by borrowing, with interest, from future tax collections. The public can readily inspect the costs of departments, agencies, and programs in a formal federal budget complete with historical tables, Congressional Budget Office publications and other compendia. But while the federal government publicly discloses fiscal outlays and accompanying tax obligations, that same transparency does not apply to regulatory costs and burdens, which are equivalent means by which the federal government carries out its aims. That makes them even less disciplined than spending, which in turn means Congress might sometimes find it easier to act via off-budget regulation rather than tax-and-spend policy. And even when regulatory compliance costs do prove burdensome and attract criticism, Congress can escape accountability by blaming agencies.

As a reality check on the need for regulatory budgeting, disclosure of federal spending obviously has not restrained deficits and runaway debt. Yet transparency is vital for wrestling spending back under control. In similar fashion, policymakers should publicly disclose regulatory costs and burdens to the fullest extent possible. Table 1 provides an overview of the 2025 federal regulatory enterprise discussed in the following pages, as well as a flavor of the kinds of components to embed in a regulatory report card that officials ought to provide.

## About this \$2.153 trillion regulatory cost placeholder

A regulatory budget would keep Congress and the executive branch more honest about the regulatory costs they are off-loading to the private sector. However,

**Table 1. The Regulatory State: An Overview for 2026 (page 1 of 2)**

Indicator	Year-end 2025	1-Year Change (2024-25)	5-Year Change (2021-25)	10-Year Change (2016-25)
Regulatory intervention (placeholder)	\$2.155 T	n/a	n/a	n/a
Comparison to:				
Federal outlays	\$6.750 T			
Federal deficit	\$1.832 T			
Individual income taxes (2023 est.)	\$2.3 T			
Corporate income taxes (2023 est.)	\$546 B			
Corporate pretax profits	\$3.523 T			
Gross domestic product (2024 est.)	\$29.37 T			
<i>Federal Register</i> pages	60,917	-42.6%	-17.4%	-36.5%
Devoted to final rules	16,461	-63.4%	-30.4%	-57.4%
<i>Federal Register</i> final rules	2,441	-24.8%	-25.1%	-36.7%
Significant final rules	155	-55%	-59%	-68%
<i>Federal Register</i> proposed rules	1,498	-15.3%	-28.5%	-38.1%
Significant proposed rules	134	-26%	-49%	-64%
<i>Federal Register</i> (small business) final rules	599	-22.2%	-34.5%	-24.9%
Subset of significant final rules)	30	-61%	-70%	-83%
Proposed rules	440	-19.7%	-46.5%	-33.4%
Subset of significant proposed rules	30	-14%	-67%	-74%
“Notices” in <i>Federal Register</i>	19,280	-24.4%	-12.3%	-21.5%
<i>Code of Federal Regulations</i> pages	190,627	1.3%	2.5%	8.8%
Total rules in <i>Unified Agenda</i> pipeline	3,816	14.6%	1.0%	15%
Completed	911	101.1%	91.8%	37%
Active	2,098	-6.0%	-21.7%	0.1%
Long-term	807	25.1%	29.3%	44.6%
Total economically significant rules	243	9.5%	17.6%	25.9%
Completed	40	8.1%	0%	-14.9%
Active	148	17.5%	-27.8%	31%
Long-term	59	-6.8%	10%	66.7%

**Table 1. The Regulatory State: An Overview for 2026 (page 2 of 2)**

Indicator	Year-end 2025	1-Year Change (2024-25)	5-Year Change (2021-25)	10-Year Change (2016-25)
“Economically significant” rules completed in spring and fall (Spring-only 2025)	40	-65.5%	-61.9%	-51.8%
Total rules affecting small business	655	1.2%	-5.5%	-2.4%
Regulatory flexibility analysis required	310	-3.1%	-12.4%	-24.8%
Regulatory flexibility analysis not required	345	5.5%	1.8%	33.2%
Rules affecting state governments	411	-3.1%	-20%	15.8%
Rules affecting local governments	279	-7.3%	-14.2%	32.2%
GAO Congressional Review Act (CRA) reports on major rules	79	-53%	-39.7%	-24.8%
Executive orders	239	1228%	157%	443%
Executive memoranda	39	-7.1%	30%	8.3%

Notes: n/a = not applicable. Some years fiscal, some calendar; see text.

total regulatory costs are immeasurable, often unfathomed, and have not and cannot be truly calculated. It has been a quarter century since the federal government even tried.

There are no objective metrics to assess, apart from raw compliance outlays on the likes of equipment and personnel.<sup>15</sup> The subjective and internally felt opportunity costs of regulation cannot be calculated by an outsider any more than economies can be centrally planned.<sup>16</sup>

Make no mistake: there is no agreement on the costs and benefits of regulation, whether individually or in the aggregate, and there never will be. Biden’s now-revoked Executive Order (EO) 14094 in large

part denies that interventions are costs at all. The Biden White House even argued that water heater regulations and forced replacement would “help consumers save about \$11 billion a year.”<sup>17</sup>

Nonetheless, demanding some aggregate regulatory cost baseline is a reasonable ask.

For purposes of maintaining a conservative accounting, *Ten Thousand Commandments* has employed a roughly \$2 trillion estimate annually for many years. This approach is based largely, but not entirely, on the federal government’s own reckonings that emerged from the mid- to late 1990s reform era encompassing compliance costs, economic and gross

domestic product (GDP) losses, social, and other costs, supplemented with irregular White House updates on select costs and benefits.<sup>18</sup>

Decades have passed since Washington attempted to measure the aggregate regulatory state. The Office of Management and Budget's (OMB) 2002 estimate of \$954 billion in 2001 dollars (see Table 2) for economic, environmental, and social regulation would translate to over \$1.73 trillion now.<sup>19</sup> A lot has happened since then, including the addition of such rulemaking engines as the Department of Homeland Security, the Dodd-Frank financial law, the Affordable Care Act, and years of federal pushes against core necessities like fossil fuels<sup>20</sup> and functional household appliances.<sup>21</sup>

The recent five years in particular are noteworthy: the CARES Act, the CHIPS and Science Act, the Infrastructure Investment and Jobs Act (IIJA), and the Inflation Reduction Act all expanded government control and have redirected private resources toward government-chosen ends via downstream rulemaking, but also via contracting, procurement, partnerships, and attendant regulation that can bypass normal notice and comment procedures, quantification, and the courtesy of appearance in the *Federal Register*.

Notable Biden-era leveraging of these enactments includes broadband social-policy schemes such as the IIJA-rooted rule on Prevention and

Elimination of Digital Discrimination<sup>22</sup> and its build-out mandates and price controls,<sup>23</sup> and the Commerce Department's National Telecommunications and Information Administration's haphazard allocation of over \$42 billion in Broadband Equity, Access, and Deployment (BEAD) funding with social agenda strings not contained in the IIJA legislation itself.<sup>24</sup> The Trump agenda involves unwinding in some instances, but escalating government in others.

A 2023 National Association of Manufacturers (NAM) report, titled *The Cost of Federal Regulation to the US Economy, Manufacturing and Small Business*, finds regulatory costs of \$3.079 trillion for 2022 (in 2023 dollars).<sup>25</sup> Employing bottom-up approaches and top-down regression modeling rooted in "academic literature finding that macroeconomic performance and living standards are systematically linked to regulatory policies," NAM assesses regulatory costs this way:

- ▶ Economic: \$2.067 trillion.
- ▶ Environmental: \$588 billion.
- ▶ Occupational safety/health and homeland security: \$124 billion.
- ▶ Tax compliance: \$300 billion.

According to the report, the \$2.067 trillion economic component encompasses rules affecting decision-making in, for example, "markets for final goods and services, markets for physical and human resources, credit markets and markets for the transport and delivery of products

**Table 2. Legacy Official Assessments of Federal Regulation: Late 20th Century, Early 21st Century  
(Millions of Dollars)**

	Hopkins 1992 (1991 dollars)	GAO 1995 (1995 dollars)	Hopkins 1995 (1995 dollars)	SBA 2001 (2001 dollars)	OMB 2002 (2001 dollars)	SBA 2005 (2004 dollars)	SBA 2010	NAM 2014 (2012 dollars)
Environmental	115		168	197	203	221	281	330
Other social	36		55		30			
Transportation					22			
Labor					22			
Economic regulation						591	1236	1448
<i>Efficiency</i>	73		80		150			
<i>Transfers</i>	130		147		337			
<i>Efficiency - domestic</i>				101				
<i>Transfers - domestic</i>				202				
<i>Efficiency - international trade</i>				44				
<i>Transfers - international trade</i>				88				
Workplace and homeland security				82		106	75	92
Paperwork/process/information collection (tax compliance)	189		218	129	190	195	160	159
<b>TOTALS</b>	<b>\$543.00</b>	<b>\$647.00</b>	<b>\$668.00</b>	<b>\$843.00</b>	<b>\$954.00</b>	<b>\$1,113.00</b>	<b>\$1,752.00</b>	<b>\$2,029.00</b>
<b>LEGACY TOTALS (in 2013 dollars)</b>		<b>\$1,019.03</b>	<b>\$1,052.100</b>	<b>\$1,142.27</b>	<b>\$1,292.67</b>			

## Table 2. Legacy Official Assessments of Federal Regulation: Late 20th Century, Early 21st Century (Millions of Dollars) (continued)

Sources: Thomas D. Hopkins, Costs of Regulation: Filling the Gaps, Report prepared for the Regulatory Information Service Center, Washington, D.C., August 1992. <http://www.thecre.com/pdf/COST%20OF%20REGULATION%20FILLING%20THE%20GAPS.pdf>; General Accounting Office, Briefing Report to the Ranking Minority Member, Committee on Governmental Affairs, U.S. Senate, Regulatory Reform: Information on Costs, Cost Effectiveness, and Mandated Deadlines for Regulations, (GAO/PEMD 95 18BR), March 1995. <http://archive.gao.gov/t2pbat1/153774.pdf>; Thomas D. Hopkins, "The Changing Burden of Regulation, Paperwork, and Tax Compliance on Small Business: A Report to Congress," Office of the Chief Counsel for Advocacy, U.S. Small Business Administration, Washington, DC, October 1995, [http://www.sba.gov/advo/laws/archive/law\\_brd.html](http://www.sba.gov/advo/laws/archive/law_brd.html); Office of Management and Budget, "Draft Report to Congress on the Costs and Benefits of Federal Regulations," *Federal Register*, March 28, 2002. Pp. 15037-8. <http://www.whitehouse.gov/sites/default/files/omb/assets/omb/inforeg/cbreport.pdf>; W. Mark Crain and Thomas D. Hopkins, "The Impact of Regulatory Costs on Small Firms," report prepared for the Small Business Administration, Office of Advocacy, RFP No. SBAHQ-00-R-0027, October 2001, <http://www.sba.gov/advo/research/rs207tot.pdf>; W. Mark Crain, "The Impact of Regulatory Costs on Small Firms," Report prepared for the Small Business Administration, Office of Advocacy, Contract no. SBHQ-03-M-0522, September 2005 <https://www.sba.gov/sites/default/files/files/rs264tot.pdf>; Nicole V. Crain and W. Mark Crain, "The Impact of Regulatory Costs on Small Firms," report prepared for the Small Business Administration, Office of Advocacy, Contract No. SBAHQ-08-M-0466, September 2010, <http://www.sba.gov/advo/research/rs371tot.pdf>; Nicole V. Crain and W. Mark Crain, "The Impact of Regulatory Costs on Small Firms," report prepared for the Small Business Administration, Office of Advocacy, Contract No. SBAHQ-08-M-0466, September 2010, <http://www.sba.gov/advocacy/7540/49291>; National Association of Manufacturers, "The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business," W. Mark Crain and Nicole V. Crain, September 10, 2014. <http://www.nam.org/~media/A7A8456F33484E498F40CB46D6167F31.ashx>.

Note: Some figures are here adjusted to 2016 by the change in the consumer price index between 2001 and 2016, and between 1995 and 2016, derived from "'CPI Detailed Report Data for January 2017,'" Bureau of Labor Statistics, Washington, D.C., (Table 24. Historical Consumer Price Index for All Urban Consumers - (CPI-U), U.S. city average, All items.) <https://www.bls.gov/cpi/cpid1701.pdf>. GAO = Government Accountability Office; NAM = National Association of Manufacturers; OMB = Office of Management and Budget; SBA = Small Business Administration.

and factors of production." Such interventions "affect who can produce, what can (or cannot) be produced, how to produce, where to produce, where to sell, input and product pricing and what product information must be or cannot be provided." Direct compliance outlays by firms, which understate total regulatory costs, include "investments in capital equipment, expenditures on O&M [operations and maintenance], payments to outside consultants, in-house employees devoted to compliance activities and so forth." For reference, the last column of Table 2 also depicts NAM's earlier 2014 estimate of \$2.029 trillion.

Other recent assessments find aggregate regulatory costs even higher than NAM's \$3.079 trillion reckoning.<sup>26</sup> Other studies explore sub-components of regulatory costs. For example, a report using 2002-2014 data on occupational tasks and firms' wage spending finds that the "average US firm spends between 1.3 and 3.3 percent of its total wage bill on regulatory compliance" and that the "wage bill devoted to regulatory compliance workers in 2014 was between \$79 billion and \$239 billion, depending on the stringency of the regulatory compliance measure employed, and up to \$289 billion when capital is also added."<sup>27</sup>

In law but not in practice, OMB remains charged with publishing an annual survey of regulation known as the *Report to Congress on the Benefits and Costs of Federal Regulations and Agency Compliance with the Unfunded Mandates Reform Act*. The report invokes the Regulatory Right-to-Know Act, but the aggregate cost assessment that the law requires has not appeared in two decades. Those were replaced by a 10-year lookback, thereby conveniently omitting the first years of the 21st century and the entirety of the 20th.

In recent years, even the 10-year lookback vanished. Now the report itself has disappeared, with a fiscal year 2023 edition the newest available.<sup>28</sup> Even before this, cost-benefit analyses were few and largely self-reported by agencies, with OMB acknowledging that, “All estimates presented... are agency estimates of benefits and costs, or minor modifications of agency information performed by OMB.”<sup>29</sup>

In 2023, the White House released three catch-up draft editions of the *Report to Congress* in a composite format encompassing fiscal years 2020–2022.<sup>30</sup> Like its predecessors, the *Report to Congress* contains a limited overview of executive agency major rules and partial monetary quantification of some costs and benefits. As the first three rows of Table 3 show, only 31 major rules featured both benefits and costs monetized. This category is what administrations point to when touting net benefits of the regulatory enterprise. However, another 56 major

rules had costs alone quantified, which OMB historically does not sum up.

Next, the aforementioned FY 2023 report appeared with 19 rules featuring both costs and benefits, and another 10 featuring costs only.<sup>31</sup> These four reports remain the most recent available, within which OMB formally reports on a total of 330 major rules over the 2020–2023 roaring 20s period covered in Table 3. Meanwhile, 12,796 rules were finalized in the *Federal Register* during the same time frame, and untold numbers of sub-regulatory materials such as agency memoranda, guidance documents, bulletins, circulars, and manuals that appear neither in OMB’s annual assessments, nor the *Federal Register*.

Although the *Report to Congress* covers agencies’ compliance with the Unfunded Mandates Reform Act, the independent agencies, which include formidable regulators such as the Federal Communications Commission (FCC), the Federal Trade Commission (FTC) and financial regulatory bodies, have been exempt from OMB cost-benefit review until Trump’s EO 14215, “Ensuring Accountability for All Agencies.”<sup>32</sup> Overall, as Table 3 also shows, about 35 percent of the reviewed major rule subset features quantitative cost estimates. Beyond designated major rules, the proportion of rules with cost analysis averages less than one percent. Historically, the ratios are similar.

Overall, Table 3 shows 50 rules with both benefits and costs quantified, adding \$29.1

**Table 3. Executive Agency Major Rules Reviewed by OMB with and without Cost-Benefit Analysis**

Draft Report	# of rules with costs and benefits	Annual costs	#of rules with costs only	Annual costs	Grand total, number of rules with costs	Costs absent	Total rules	"Budget" rules	Total OMB major rule reviews	*Federal Register final rules	"Costed" rules as % of major rule flow	"Costed" rules as % of finalized* rule flow
FY 2020	9	(\$16.123)	27	\$16.4	36	39	75	35	110	3,353	32.73%	1.07%
FY 2021	8	(\$0.341)	20	\$23.2	28	30	58	39	97	3,257	28.87%	0.86%
FY 2022	14	\$29.463	9	\$6.7	23	10	33	30	63	3,168	36.51%	0.73%
FY 2023	19	\$16.113	10	\$1.94	29	1	30	30	60	3,018	48.33%	0.96%
FY 2024	<i>Not Released</i>											
FY 2025	<i>Not Released</i>											
<b>TOTAL</b>	<b>50</b>	<b>\$29.112</b>	<b>66</b>	<b>\$48.2</b>	<b>116</b>	<b>80</b>	<b>196</b>	<b>134</b>	<b>330</b>	<b>1,2796</b>	<b>35.15%</b>	<b>0.91%</b>

Source: Compiled by W. Crews from OMB, various fiscal years' editions of *Report to Congress on Benefits and Costs of Regulation*, <https://www.whitehouse.gov/omb/information-regulatory-affairs/reports/>.

Notes: \*Federal Register final rules are presented by calendar year; other data by fiscal year. Budget rules are "regulations implement[ing] or adjusting Federal budgetary programs, which primarily caused income transfers, usually from taxpayers to program beneficiaries."

billion to annual regulatory costs. Those specific rules, itemized in Appendix A, cover vehicle fuel efficiency, building energy conservation, and industrial admissions standards, as well as deregulatory first Trump term moves on waters of the United States. That \$29.1 billion in costs accumulated during this brief 2020s timeframe is noteworthy, given that the first two of the four fiscal years represented Trump savings, and given that the first 20 years of the century found OMB's reports noting \$151 billion in annual costs added, averaging around \$7 billion annually.<sup>33</sup>

The 66 rules noted for 2020–2023 in Table 3's fourth column with costs alone quantified add \$48.2 billion to ongoing annual costs. Appendix B details this category of rules for fiscal years 2020–2022, which included rules such as COVID-19 paid leave. During the 2002–2019 period, there were dozens of such cost-only rule disclosures, with high-end cost estimates of \$53.71 billion.<sup>34</sup>

These latest official estimates and prior editions of this report serve as the basis for our new aggregate cost placeholder. The 2022 edition of *Ten Thousand Commandments* employed an estimate of \$1.927 trillion for annual regulatory costs that had incorporated OMB *Report(s) to Congress* through FY 2019, before these updates appeared, making it a touchpoint of sorts for dividing the first two decades of the 21st century. Incorporating OMB's 2020s reports' \$77 billion in incremental

annual costs, as well as increments for independent agency paperwork and a slight inflation adjustment for economic regulatory costs, allows us to adjust the 2025 aggregate estimate to \$2.155 trillion, which serves as our starting point for 2026.

The paperwork increment for independent agencies is worth noting. Mirroring the tardy *Report to Congress*, five laggard *Information Collection Budget of the US Government* (ICB) volumes appeared in 2023 in belated compliance with the Paperwork Reduction Act of 1980. An FY 2023 edition followed in July 2024, and reported that 10.5 billion hours were required to complete mandatory paperwork from 39 departments, agencies, and commissions.<sup>35</sup>

The 10.5 billion annual hours Washington says it takes to complete its paperwork translates into the equivalent of 14,983 human lifetimes every year.<sup>36</sup> For our purposes, executive branch agencies' paperwork costs are assumed to have already been incorporated into the *Report to Congress*.

However, since independent agencies' costs are not included, the release of paperwork reports allowed the incorporation of a small amount of incremental paperwork “dead tape” costs here. Assuming \$35 per hour, independent agency costs stand at \$32.49 billion.<sup>37</sup>

Costs are actually higher, though, since apart from the formal ICBs, paperwork is

tracked online and shows stark increases in recent years. As of January 23, 2026, OMB's website reported government-wide totals for Active Information Collections of 11.7 billion hours.<sup>38</sup> So paperwork costs are actually higher, but since independent agency breakdowns are not offered, the FY 2023 figure is retained here.

So far then, the \$2.155 placeholder stands pat as the public awaits FY 2024 and 2025 OMB cost updates. We next adjust slightly for legacy economic costs that OMB's reports do not cover. Given that the NAM report's economic cost component alone exceeds \$2 trillion and building from the legislative interventions of the past two decades, it is appropriate to cautiously recognize higher economic costs than we have pointedly left flat since OMB referenced some \$487 billion in 2001 dollars (Table 2). This is in keeping with the imperative to have official federal reports occupy center stage and to have their own inadequacy spur upgrades and reform.

Earlier editions of this report incorporated a cautious \$399 billion baseline in 2013 dollars<sup>39</sup> rather than OMB's \$487 billion. Updating that government-rooted but downsized figure to 2024 dollars yields a \$552 billion marker we employ.<sup>40</sup> (The figure in this report's 2025 edition was \$539 billion) That is far below NAM's \$2.067 trillion figure for economic regulation alone, but it serves our purpose of establishing something like an official legacy baseline and of appealing to Congress to enforce OMB compliance with

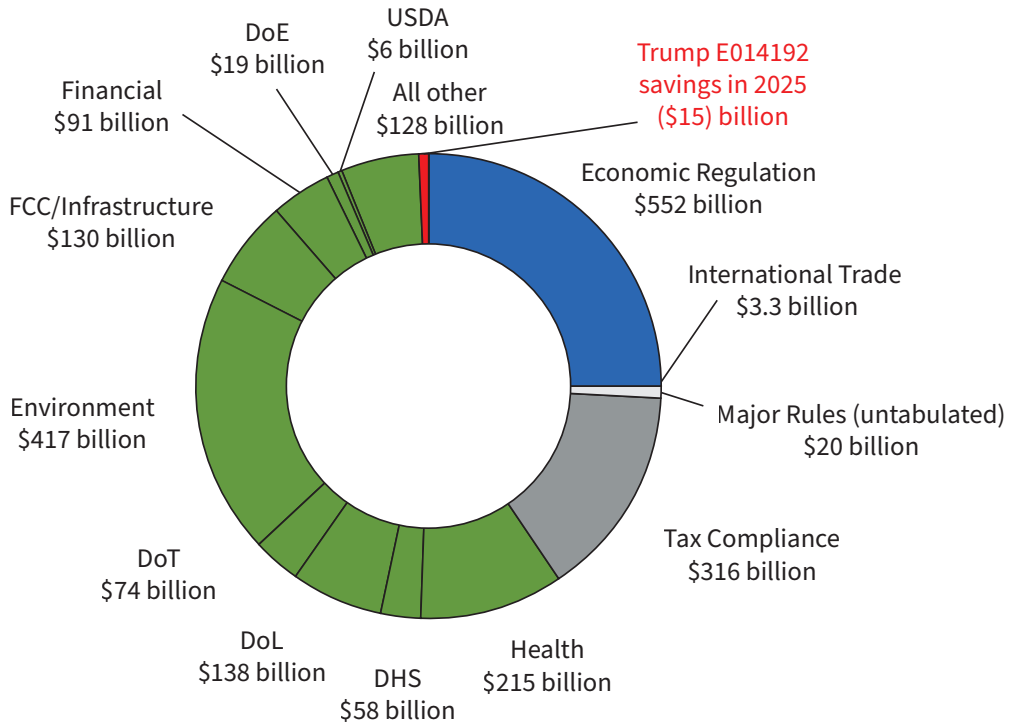
the Regulatory Right-to-Know Act. That brings us to \$2.168 trillion.

Now we make a slight adjustment based upon the Trump administration's *Final Accounting* for 2025, in lieu of the formal OMB reports for 2024-2025 needed to formally fill the gap. Rather than adding costs, this adjustment will reflect the Trump administration's year-end assertion of regulatory cost savings.

As noted, the Trump administration claims agencies issued 646 deregulatory actions and five significant regulatory actions, and that those eliminations save approximately \$212 billion in present-value costs across government. In the section "Annualized Value v. Present Value" in the *Final Accounting*, the White House notes that with a "perpetual time horizon and a 7 percent discount rate, a present value can be transformed into its contemporaneous annualized value by multiplying by 0.07." Performing that simple calculation yields an annual savings of \$14.830 billion.

Incorporating this figure into our overall placeholder brings it to \$2.153 trillion, as reflected in Figure 1, which is nearly unchanged from last year's \$2.155 trillion.<sup>41</sup> Trump's \$15 billion savings don't belong in a pie chart featuring regulatory costs, of course, but are depicted in Figure 1 to illustrate the small relative amount of savings compared to overall costs, and the scale necessary to substantially shrink the regulatory state. What Trump saved

**Figure 1. Annual Cost of Federal Regulation and Intervention, 2026 Estimate**



Sources: C. W. Crews, *Tip of the Costberg: On the Invalidity of All Cost of Regulation Estimates and the Need to Compile Them Anyway*, 2017 Edition, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2502883](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2502883); and editions of OMB Reports to Congress on regulatory costs and benefits, <https://bidenwhitehouse.archives.gov/omb/information-regulatory-affairs/reports/>.

Note: DHS = Department of Homeland Security; DOE = Department of Energy; DOL = Department of Labor; DOT = Department of Transportation; FCC = Federal Communications Commission; USDA = U.S. Department of Agriculture.

in cuts, inflation everywhere else took away. This figure serves as a conservative baseline to compare with metrics such as federal spending aggregates.

\$212 billion of cost savings in the administration’s *Completed Actions for Fiscal Year 2025 under Executive Order 14192* (a report accompanying the *Final Accounting*).<sup>42</sup> The largest, roughly \$129 billion, derives from the Treasury Department’s

Financial Crimes Enforcement Network’s revision to its Beneficial Ownership Information reporting rule rooted in the 2020 Corporate Transparency Act.<sup>43</sup> This change eliminated the requirement that certain US LLCs and corporations disclose personal information about owners and controllers.

The other two outsized contributors were the Transportation Security

Administration's decision to permit airline passengers to keep their shoes on during security screening (\$25 billion claimed), and the Food and Drug Administration's rollback of a rule that had treated laboratory-developed tests as medical devices subject to extensive review and reporting requirements (\$20 billion).

These cuts are not what anyone could seriously envision as deconstructing the administrative state, but it is the case that major regulatory initiatives of the conventional sort that appear in the *Federal Register* are not being added. The *Final Accounting* is a bridge for present purposes. Should OMB release overdue cost-benefit reports, these will be included in Table 3 in next year's *Ten Thousand Commandments*.

OMB transparency, while useful, has three serious problems. One, official figures from a quarter century ago are sketchy and detached from modern reality. Two, they are incomplete and miss large swathes of the overarching regulatory state. Three, they were never replaced and regularly updated as required by law.

Critics of cost-benefit analysis claim that many old rules like those in the legacy federal reports no longer impose costs because of technological change or adaptation. The compounding distortions of regulation over time make that assertion untrue. Nonetheless, retaining legacy government-reported regulatory categories

keeps the inadequacy of official government reporting front and center, and can spur change enforced by some future Congress. This report's embedded \$418 billion annual estimate for legacy environmental costs,<sup>44</sup> for example, like our economic cost placeholder, stands well below NAM's \$588 billion tabulation for that category.

Indeed, an extraordinary amount of federal economic and social intrusion is not captured as costs of regulation or coercive intervention whatsoever in any of the formats that purport to address or score them. Even mere numbers of rules were not tabulated before 1976. Like the NAM report, other assessments acknowledge regulatory costs far beyond official reckonings, including former White House Council of Economic Advisers chief economist Casey Mulligan's report, *Burden Is Back: Comparing Regulatory Costs Between Biden, Trump, and Obama*.<sup>45</sup>

As the Competitive Enterprise Institute's founder Fred L. Smith, Jr. framed this dilemma, "The genius of the Progressives in the late 19th century was to preempt or push large sectors of the emerging future (the environment, schools, electromagnetic spectrum, infrastructure, welfare, the medical world) into the political world."<sup>46</sup> In that vein, this report's Appendix C: A Partial Compilation of Unmeasured and Disregarded Costs of Federal Intervention presents samples of more than a century and a half of economic consolidations and administrative

state escalations that escape reckoning altogether.

These outside-the-framework costs appear in numerous policy areas: anti-trust regulation; federally steered public-private partnerships (local tap water, electric vehicle charging networks, hydrogen hubs,<sup>47</sup> regional technology hubs,<sup>48</sup> artificial intelligence, and so on); subsidies and grants; common carriage approaches that derail property rights evolution;<sup>49</sup> resource-use restrictions on western lands; and the too-big-to-fail stance toward large financial institutions.

To the extent people regard tariffs as costs rather than the benefits Trump claims they comprise, one could conceivably double this report's cost estimate. At a January 29, 2026 cabinet meeting, Trump remarked, "we've taken in hundreds of billions, even trillions of dollars," attributing some of that to companies returning to the US.<sup>50</sup>

Administrative state convention routinely disregards political failure, underplays the importance of private property, and even fails to appreciate its own role in aggravating inequality.<sup>51</sup> Even the 134 budgetary and funds-transfer rules noted in Table 3 displace what would have been private activity in, for example, retirement and health care funding, distorting those markets in perpetuity. Washington's inducement of dependency on federal government transfers is as fundamental as social regulation and the custodial

administrative state can possibly get, yet it is not counted among costs.

These are some of the many ways this report's \$2 trillion in costs of regulatory intervention understates the scale of federal involvement in the economy. This gives us a rough idea of how much agencies understate or ignore the costs they impose.

Regulatory costs have only compounded since the government bothered to tabulate aggregate social, environmental, and economic costs two decades ago. Table 3 and Appendices A and B depict tens of billions of dollars added in only the most recent four years by a handful of more than 400 federal agencies and subunits.<sup>52</sup>

## Regulation, spending, and deficits

Having laid some groundwork and perspective, comparing regulatory costs with federal taxation and spending helps better gauge the size and scope of the federal government. According to the newly released Congressional Budget Office (CBO) *Budget and Economic Outlook*, covering FY 2025 and projections for FY 2026–FY 2036, the federal government posted \$7.010 trillion in outlays on revenues of \$5.235 trillion in 2025, for a deficit of \$1.775 trillion.<sup>53</sup>

According to the CBO, outlays are expected to cross the \$8 trillion mark in 2028 and top \$10 trillion annually by 2033.

Deficits will again exceed \$2 trillion by 2028 and are projected to grow as far as the eye can see, passing \$3 trillion in 2036.

Figure 2 compares deficits and outlays for fiscal years 2024 and 2025, and projected amounts for FY 2026, along with regulation. Regulation of \$2.153 trillion now stands at about 31 percent of outlays and easily exceeds 2025's \$1.775 trillion deficit. For additional perspective, the NAM regulatory aggregate cost figure of \$3.079 trillion equals 44 percent of 2025 outlays.

### Regulatory costs compared with taxes and profits

Figure 3 provides a snapshot of the \$2.153 trillion US regulatory burden compared with taxes and corporate profits. Individual income tax revenues stood at \$2.426 trillion for 2024, while corporate income tax revenue was \$529.9 billion for 2024.<sup>54</sup>

Regulatory costs are four times corporate income taxes and 89 percent the level of individual income taxes. The NAM annual regulatory cost figure of \$3.1 trillion, on the other hand, exceeds both corporate and individual taxes combined (\$2.956 trillion).

In addition, this report's \$2.153 trillion regulatory cost estimate equals 51 percent of 2024 corporate pretax profits of \$4.179 trillion,<sup>55</sup> while NAM's \$3.1 trillion regulatory estimate would consume 74 percent of corporate profits.

### Regulatory costs compared with US GDP

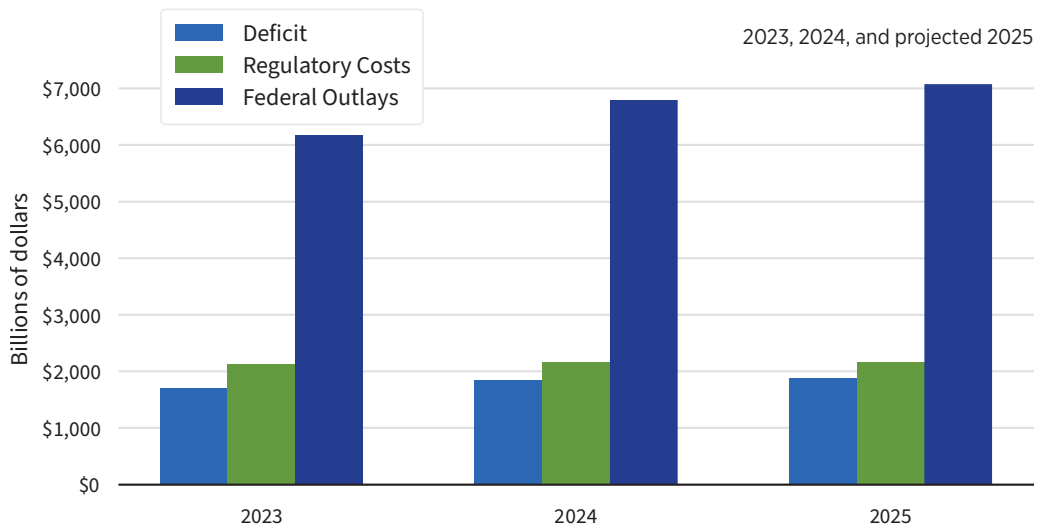
In January 2026, the Commerce Department's Bureau of Economic Analysis estimated 2025's US current-dollar GDP at \$31.1 trillion.<sup>56</sup> Our \$2.153 trillion regulatory cost figure is equivalent to approximately 7 percent of GDP. NAM's \$3.067 trillion reckoning would put regulatory costs at just under 10 percent of GDP. Combining \$2.153 trillion in regulatory costs with federal FY 2024 outlays of \$7.01 trillion, the federal government's share of the economy stood at \$9.163 trillion in 2025, or 30 percent of GDP (see Figure 4). None of these metrics include state and local spending and regulation.

### US regulation compared with global economies

If US regulatory costs of \$2.153 trillion were a country, it would be the world's eleventh-largest economy, ranking just ahead of the Korean Republic with its \$1.875 trillion 2024 GDP, and behind the Russian Federation at \$2.174 trillion (see Figure 5).<sup>57</sup> Using NAM's cost estimate, federal regulation would be the world's seventh-largest economy, just behind France's \$3.16 trillion GDP.

The US regulatory figure of \$2.153 trillion not only exceeds the output of many of the world's major economies, but also greatly outstrips even those ranked as the freest economically by two prominent annual surveys of global economic

**Figure 2. Federal Outlays and Deficits Compared With Federal Regulation**



Sources: Deficit and outlays from Congressional Budget Office, *The Budget and Economic Outlook*, “CBO’s Baseline Budget Projections, by Category,” various years, [cbo.gov](https://www.cbo.gov/). and White House Office of Management and Budget, Historical Tables, Table 1.1—Summary of Receipts, Outlays, and Surpluses or Deficits: 1789–present, <https://www.whitehouse.gov/omb/historical-tables/>. Regulatory cost placeholder from Crews, *Tip of the Costberg*, Working Paper, 2017 Edition (Available on SSRN at <http://ssrn.com/abstract=2502883>); table maintained at <http://bit.ly/1BMjL5>; and prior editions of *Ten Thousand Commandments*.

liberty. Figure 6 depicts the 2024 GDPs of the seven nations ranked in the top 10 common to both the Heritage Foundation’s *Index of Economic Freedom* and the Fraser Institute and Cato Institute’s *Economic Freedom of the World* report.<sup>58</sup> The Fraser/Cato index ranks the United States 5th, whereas the Heritage report ranks the United States 26th.

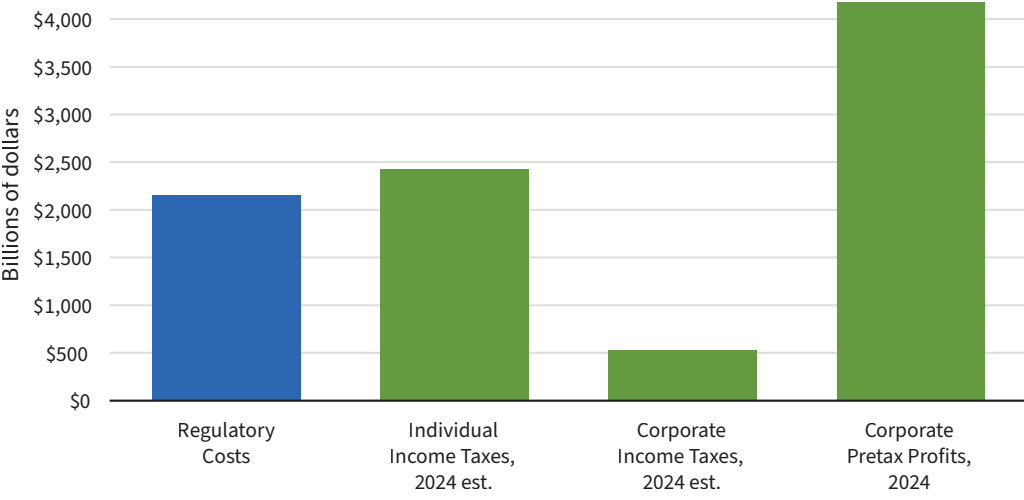
### A hidden tax on household budgets

Regulation is sometimes called a hidden tax for good reason. Ordinary income and FICA taxes are itemized on pay stubs and

calculated on tax returns. Most regulatory costs are instead embedded in prices of goods and services or reflected indirectly in slower economic growth, never showing up on a receipt or an annual statement. Businesses pass regulatory costs on to consumers, just as they do the corporate income tax.<sup>59</sup> Other regulatory costs may find their way to households in the form of lower returns on retirement funds and other investments, as well as fewer investment opportunities and more paperwork.

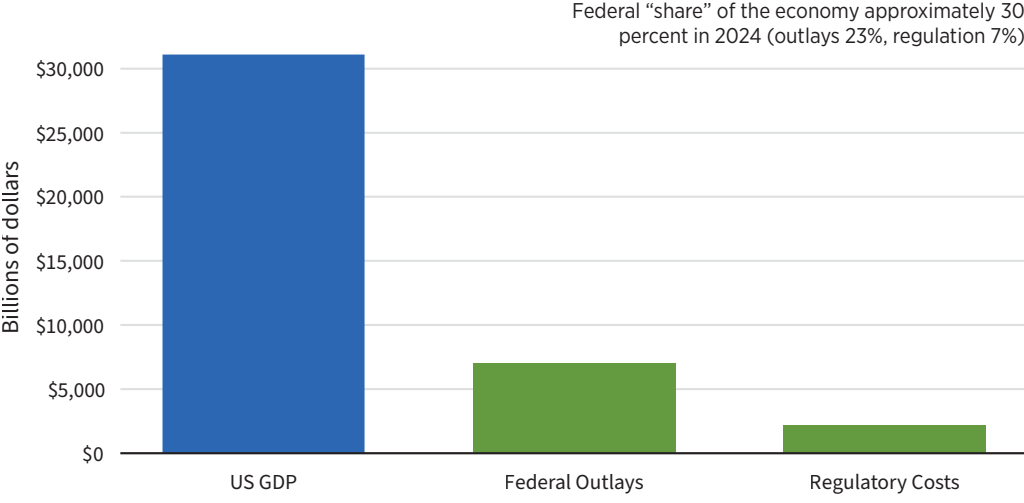
The true incidence of regulatory costs is of course impossible to precisely calculate. But by assuming a full pass-through

**Figure 3. Regulation Compared with Individual Income Taxes, Corporate Income Taxes, and Corporate Pretax Profits**



Sources: Regulatory cost placeholder from C. W. Crews, *Tip of the Costberg*, Working Paper, 2017 Edition, <http://ssrn.com/abstract=2502883>. 2024 tax figures from OMB, *Historical Tables*, Table 2.1, “Receipts by Source,” <https://www.whitehouse.gov/omb/historical-tables/>. 2024 corporate pretax profits from Bureau of Economic Analysis, *National Income and Product Accounts Tables*, Table 6.17D, “Corporate Profits before Tax by Industry.”

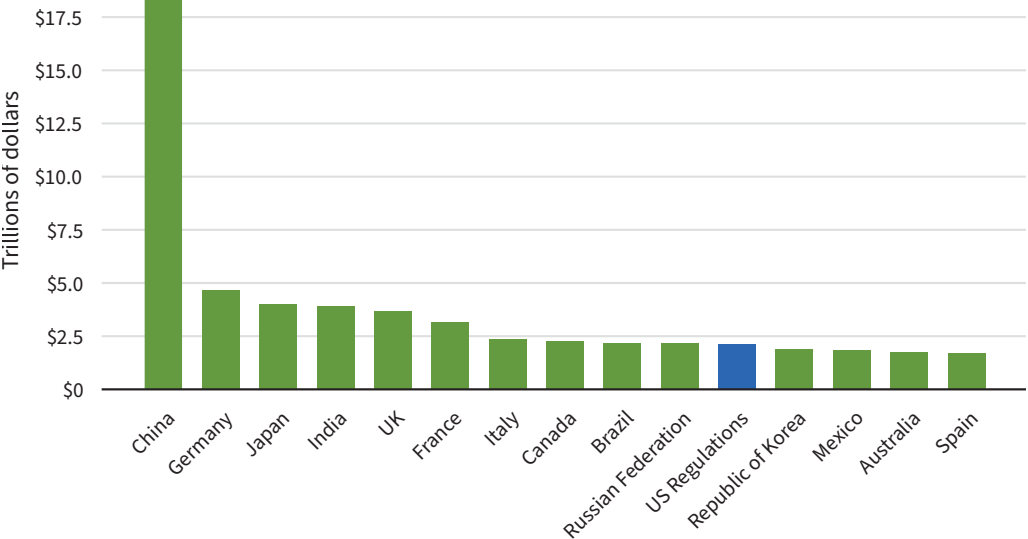
**Figure 4. Estimated 2025 GDP Compared with Federal Outlays and Regulation**



Sources: C. W. Crews, *Tip of the Costberg*, 2017 Edition, <http://ssrn.com/abstract=2502883>; and 2017–2020 editions of OMB *Report to Congress on regulatory costs and benefits*. GDP from U.S. Department of Commerce, Bureau of Economic Analysis. Outlays from CBO and/or White House OMB.

### Figure 5. 2026 US Regulatory Costs Compared to 2024 GDP of the World’s Largest Economies

If US regulation were a “country,” it would be the world’s 11th largest under most conservative reckoning. NAM cost figure of \$3.079 trillion would make U.S. regulations 7th largest “nation.”



Sources: Gross Domestic Product data from World Bank, GDP Data, <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD/countries> and <https://datacatalogfiles.worldbank.org/ddh-published/0038130/DR0046441/GDP.pdf> text and C. W. Crews, *Tip of the Costberg*, 2017 Edition.

Note: U.S. 2022 GDP of \$28.751 trillion per World Bank not shown.

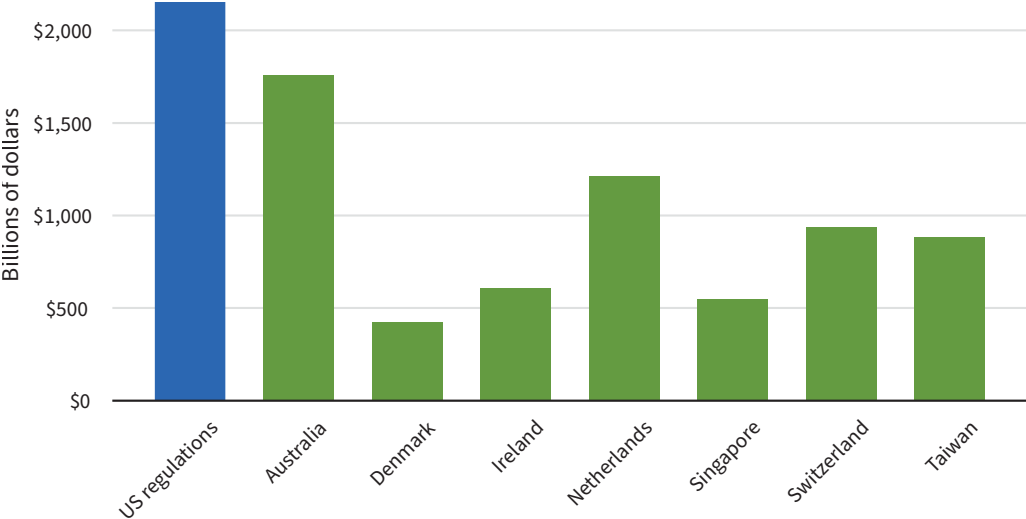
of all regulatory costs to consumers, one can look at American households’ share of regulatory costs and compare it with total annual expenditures at the household level, as measured by the Department of Labor’s Bureau of Labor Statistics.<sup>60</sup>

For America’s 135.766 million households, average 2024 pretax income was \$104,207.<sup>61</sup> Assuming full pass-through to individuals of \$2.153 trillion in federal regulatory costs, US households pay \$15,859 annually in embedded costs (\$2.153 trillion in regulation divided by 135,760,000 households (consumer units

in BLS parlance). This is roughly 15 percent of average income before taxes, and more than that as a share of after-tax income. NAM’s \$3.079 trillion regulatory assessment implies costs of \$22,679 per household, or 22 percent of income.

Federal regulatory costs amount to up to 20 percent of the typical household’s expenditure budget of \$78,535. At \$15,859, the hidden regulatory tax exceeds every annual household expenditure item except housing (see Figure 7). The average US household spends more on hidden regulation than on health care, food,

**Figure 6. 2026 US Regulation Compared with 2024 GDP of World Economies Regarded as Most Free**



Sources: C. W. Crews, *Tip of the Costberg*, 2017 Edition. Gross Domestic Product data from World Bank, Washington, DC, GDP Data, <https://datacatalogfiles.worldbank.org/ddh-published/0038130/DR0046441/GDP.pdf>.

Note: “Free” economies consist of those appearing in the top ten of both the Heritage Foundation *Index of Economic Freedom* and the Cato Institute *Economic Freedom of the World* report.

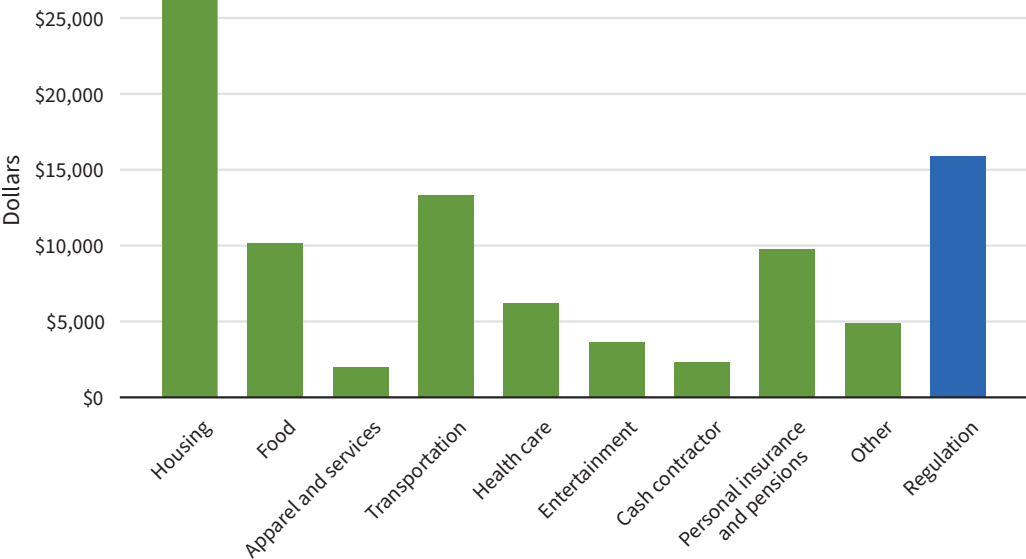
transportation, entertainment, apparel, services, or savings. NAM’s \$3.079 trillion regulatory cost translates into \$22,680, or 29 percent of household expenditures.

Examining and reflecting upon costs is one way to assess the size and scope of

federal regulation. Another is to assess the amount of regulatory material that agencies publish each year in sources like the *Federal Register* and the *Unified Agenda of Federal Regulatory and Deregulatory Actions*.

# Figure 7. US Household Expense Budget Compared with Regulatory Burdens

Societal hidden tax is equivalent to 20% of 2024 household budget, more than every item except housing, which is 15% of average household pre-tax income of \$104,207.



Sources: Bureau of Labor Statistics (BLS), author calculations.

Note: Proxy for “households” here is BLS depiction of 135,760,000 “consumer units,” which comprise “families, single persons living alone or sharing a household with others but who are financially independent, or two or more persons living together who share expenses.” “Other” consists of “personal care products and services,” “education,” and “all other expenditures.”

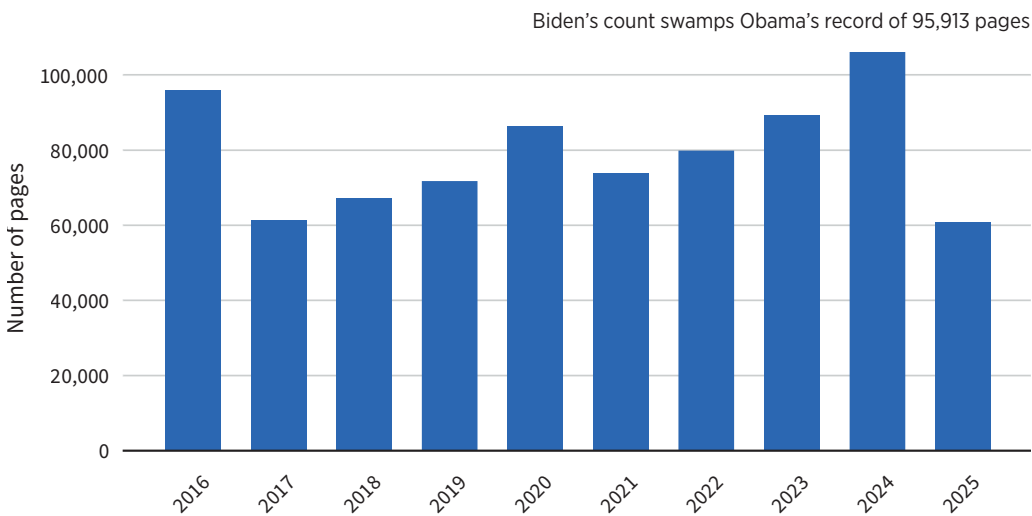
# Numbers of rules and page counts in the *Federal Register*

The *Federal Register* is the daily repository of all proposed and final federal rules and regulations. Although its page counts are often cited as a measure of regulatory activity, it is hardly a perfect one. A short rule may be costly, whereas a lengthy one may be relatively cheap. The *Federal Register* also contains many administrative notices, corrections, rules relating to the governance of federal programs and budgets, presidential statements, and other materials. These contribute bulk and bear some relation to the flow of regulation, but are not strictly regulations. Blank pages, skips, and corrections also affect page counts. Shortcomings notwithstanding, it remains worthwhile to track the *Federal Register's* page counts as a proxy for federal activism.

The 2025 *Federal Register* closed out at 60,917 pages. The Biden administration issued 7,648 of those before Trump's inauguration, giving Trump a net of 53,269 pages. This represents a 43 percent drop from 2024's record-high 106,109 pages under Biden (see Figure 8).<sup>62</sup> The 2025 *Federal Register* page tally is the lowest seen since 1992, when page counts stood at 57,003 under George H.W. Bush. It also bests Trump's own record low of 61,314 in 2017<sup>63</sup> that followed Barack Obama's then-record high of 95,913.

A drop in page counts between administrations is typical, as incoming presidents freeze the pipeline temporarily and launch their own priorities. Figure 8, for example, captures the substantial

**Figure 8. 106,109 Federal Register Pages at End of Biden’s Fourth Year**



Source: National Archives and Records Administration, Office of the *Federal Register*.

drops in each instance between Obama and Trump; Trump and Biden,<sup>64</sup> and Biden and Trump.

Of the 20 all-time high *Federal Register* page counts, seven occurred during the Obama administration, as Table 4 shows. Biden and Bush both have four in the top 20. For the history of *Federal Register* page totals since 1936, see Appendix D.

### **Federal Register pages devoted to final rules**

Isolating the pages devoted to final rules rather than gross page counts removes pages dedicated to proposed rules and also non-rule material such as agency notices, corrections, and presidential documents, although those can also have regulatory effects.

Biden’s fourth year concluded with 45,028 pages devoted to final rules, the highest on record and a 71 percent increase over 2023. Under Trump, pages fell 63 percent to 16,461. The last time pages were that low was 1992 when they stood at 15,491 (see Figure 9).

As Biden’s record might imply, final rule page counts can sometimes tend to surge as presidential terms near their end and midnight rules are issued as agencies rush to implement as much of the outgoing administration’s unfinished policies as possible. The previous page count record for final rules was 38,639 pages in Obama’s final year of 2016. This declined to 18,214 pages in 2018 after the first-term Trump streamlining got under way. Obviously, some rules are bulkier than others and affect final rule page tallies.

**Table 4. Top 20 Federal Register Page Counts**

Rank	Year	Count	POTUS
1	2024	106,109	Biden
2	2016	95,913	Obama
3	2023	89,368	Biden
4	2020	86,357	Trump
5	2010	81,509	Obama
6	2011	81,360	Obama
7	2015	80,964	Obama
8	2022	79,856	Biden
9	2013	79,444	Obama
10	2008	78,965	Bush
11	2014	78,084	Obama
12	2012	76,285	Obama
13	2021	73,771	Biden
14	1980	73,258	Carter
15	2002	72,412	Bush
16	2004	72,280	Bush
17	2006	71,914	Bush
18	2019	71,726	Trump
19	1979	71,191	Carter
20	1999	71,161	Clinton

Source: Author tallies from National Archives and Records Administration, Office of the *Federal Register*.

Note: Values sometimes fluctuate. POTUS = president of the United States.

In Trump’s first term, for example, his streamlining-oriented Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for model years 2021-2026 clocked in at 1,105 pages.

Alongside these final-rule pages, the page counts for proposed rules in the regulatory pipeline are noteworthy given their implications for future regulatory costs. They are also a leading indicator for possible growth or decline in future final rules.

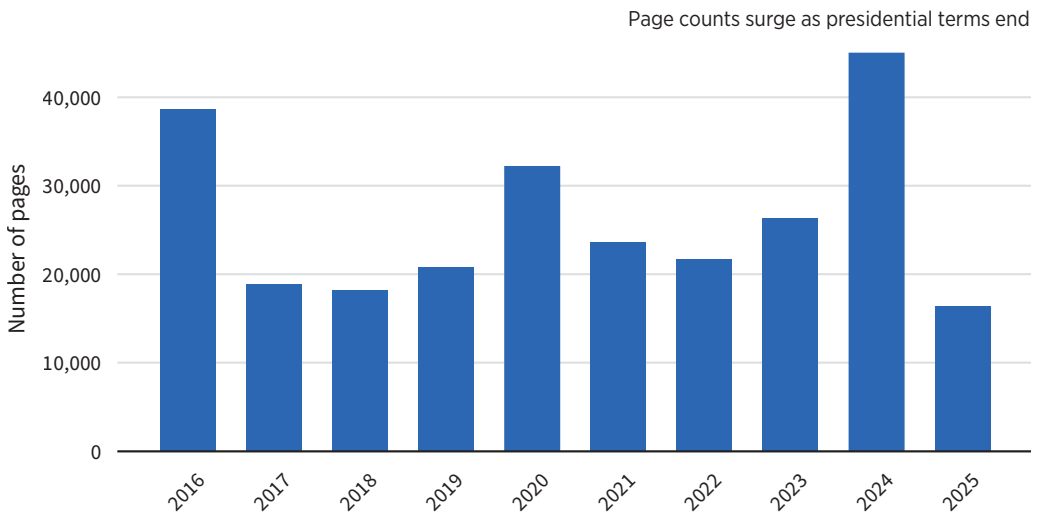
*Federal Register* pages devoted to proposed rules fell 39 percent from 19,952 to 12,920 in 2025. Biden’s 2023 count of 28,892 stands as the all-time high (see Figure 10), although Biden’s number of proposed rules was relatively low. Before Biden, the number of pages devoted to proposed rules peaked at 23,102 in 2011 under Obama. The 10,704 in 2017 during Trump’s first term were the lowest since 1981.

### **Federal Register pages published by decade**

Calculating *Federal Register* pages per decade provides one more way to characterize the *Federal Register* and longer-term trends (see Figure 11). The results suggest that a million pages per decade may become the norm.

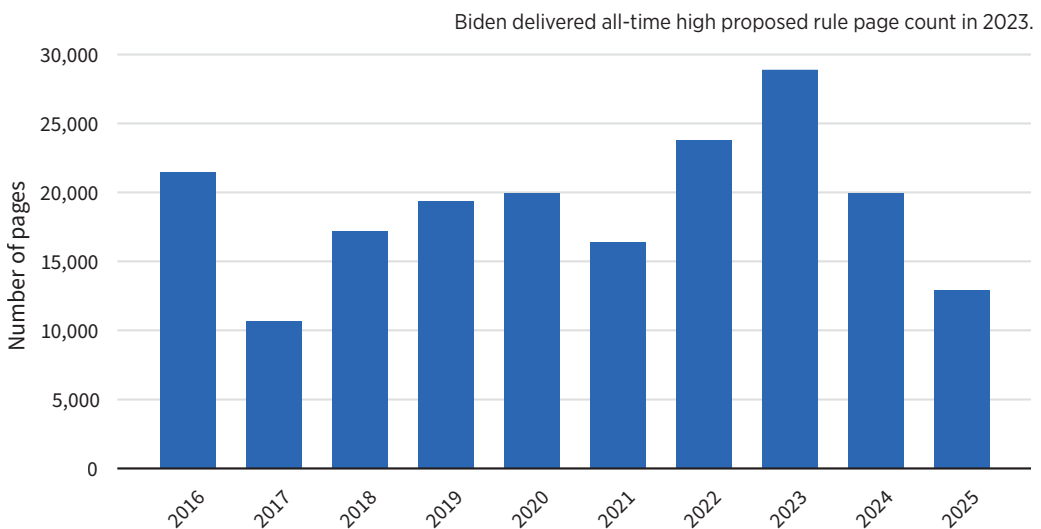
During the 2010s, 775,734 pages were added to the *Federal Register* (for a simple average of 77,573 pages each year). Six years into the 2020s, including Trump’s first-term final calendar year and Biden’s four, the average is 82,730 annually. Figure 11’s extrapolation for the remainder of the 2020s implies an expected inventory of 827,297 pages, approaching twice the level of the 1970s when

**Figure 9. Number of Federal Register Pages Devoted to Final Rules**



Source: National Archives and Records Administration, Office of the *Federal Register*.

**Figure 10. Number of Federal Register Pages Devoted to Proposed Rules**



Source: National Archives and Records Administration, Office of the *Federal Register*.

overregulation surfaced as a concern and liberalization in transportation and financial services occurred.

## **Federal Register final and significant final rules**

A trend toward fewer but costlier and larger rules may be underway. It is supplemented by guidance documents and sub-regulatory decrees that can substitute for formal rulemaking, which we call regulatory dark matter.<sup>65</sup> The 2023 and 2024 editions of this report detailed this regulatory dark matter phenomenon. For the year 2023, for example, Biden could have, had he been so inclined, freely claimed that his was the lowest final rule count of any president apart from Trump. But that is not the same as being less of a regulator than predecessors. As is common, Biden sported an affinity for antitrust, trade, energy, and tech interventions; plus family leave, health, and other social policy pursuits that may never appear as rules in the *Federal Register* and thus are not readily tracked in OMB rule reviews.

Sticking with conventional rules for now, the 60,917-page *Federal Register* of 2025 contained 2,441 rules, which is the lowest rule count of all time, besting Trump's own record-low 2,964 rules in 2019 (see Figure 12). These stand as the only sub-3,000 annual rule counts since recordkeeping began in the 1970s. Moreover, of the 2,441 rules, 243 belong to Biden, leaving Trump a net of 2,198.

Further still, a number of these consist of unrules in pursuit of Trump's streamlining agenda.<sup>66</sup> For comparison, Biden's 106,109-page *Federal Register* of 2024 contained 3,248 final rules. In 2016, the final full year of the Obama administration, the number of final rules reached 3,854, the highest count since 2005.

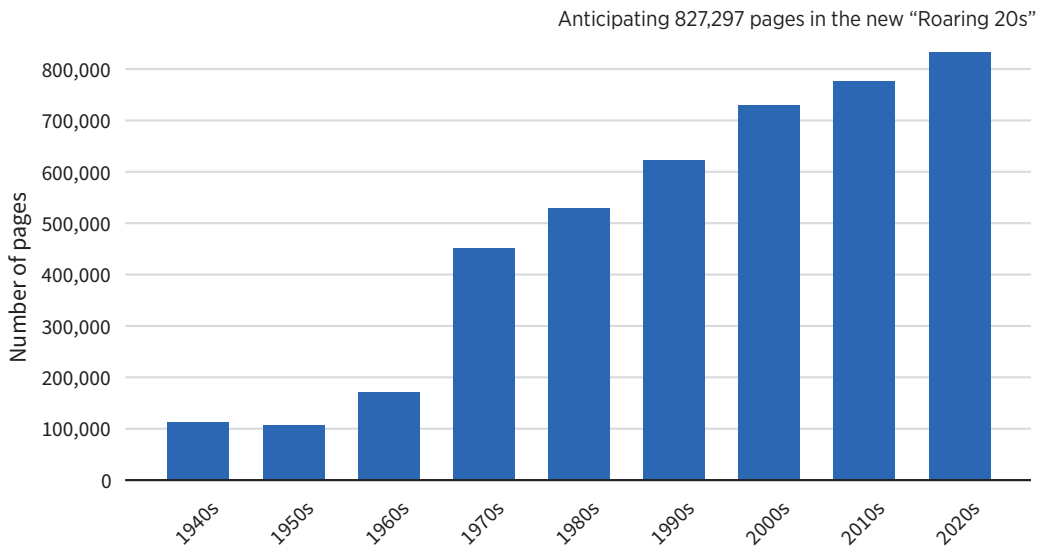
Rule counts were routinely higher in the past. Before 2005, rule counts exceeded 4,000 for all years. The annual average in the 1990s was 4,596, and stood even higher in the decades prior. The seeming paradox of fewer rules but a fatter *Federal Register* may be explained in part by rules getting longer or more detailed, as may be observed in Appendix E.

The subset of the total final rules deemed significant under EO 12866 is also presented in Figure 12. Just 155 significant rules, many deregulatory in character, were logged in 2025, as distinct from 342 such rules under Biden in 2024. While Biden's significant rules clearly exceed those of Trump, they did not resume Obama-era levels, when significant rules topped 400 three times (see Appendix E in earlier editions of this report).

In recognition that overlap occurs in transition years, here are calendar-year breakdowns of final and significant final rules published in the *Federal Register* during recent administrations:

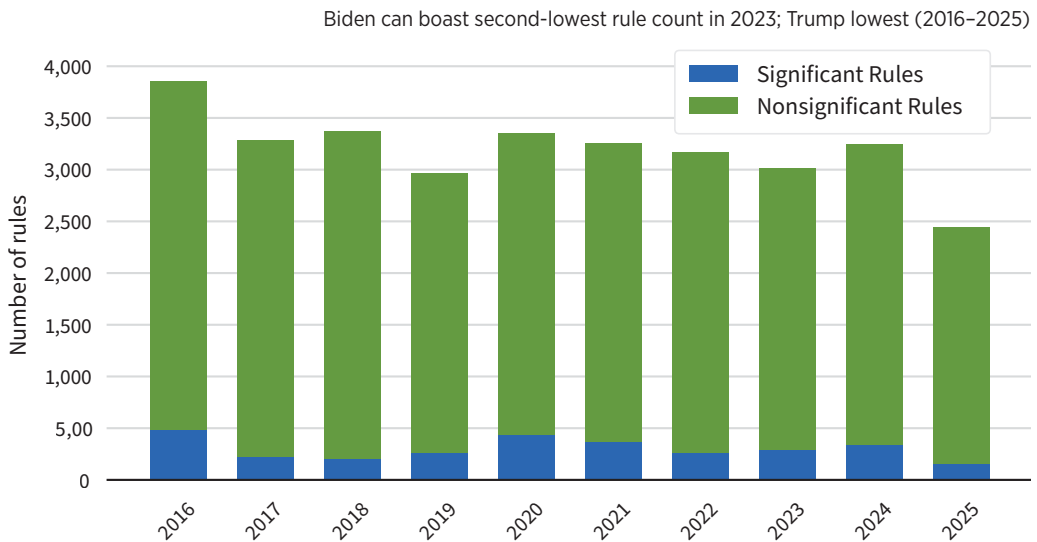
- ▶ Barack Obama (eight years): 3,038 significant rules, average 380 per year.

**Figure 11. *Federal Register* Pages per Decade—Approaching Twice the Level of the 1970s**



Source: Compiled from National Archives and Records Administration, Office of the *Federal Register*.

**Figure 12. Number of Final and Significant Final Rules in the *Federal Register***



Source: Compiled by the author using the National Archives. Significant rule tallies from FederalRegister.gov online database, which fluctuates. Final rules from National Archives compilations maintained under “*Federal Register* Statistics” at <https://www.federalregister.gov/reader-aids/understanding-the-federal-register>.

- ▶ Donald Trump first term (four years): 1,121 significant rules, average 280 per year (some deregulatory).
- ▶ Joe Biden (four years): 1,273 significant rules, average 318 per year.

Box 1 in the later section on the *Unified Agenda* will inventory the costliest tier of these significant rules for 2025.

## Cumulative final rules in the *Federal Register*

The annual outflow of over 3,000 final rules (apart from Trump's 2,441 rules in 2025 and 2,964 in 2019) has resulted in 126,536 total new rules since the first edition of *Ten Thousand Commandments* was published in 1993. Since 1976, when the *Federal Register* first began itemizing rules, 223,626 final rules have been issued. Since 1996, the year the Congressional Review Act (CRA) passed, 107,650 rules have been issued (see again Appendix E for these milestones). Given that only 42 CRA resolutions of disapproval have been enacted to revoke final rules,<sup>67</sup> that yields a rather uninspiring overturn success ratio of just 0.0004 percent. If deconstruction of the administrative state happens, it will not be coming by means of the CRA.

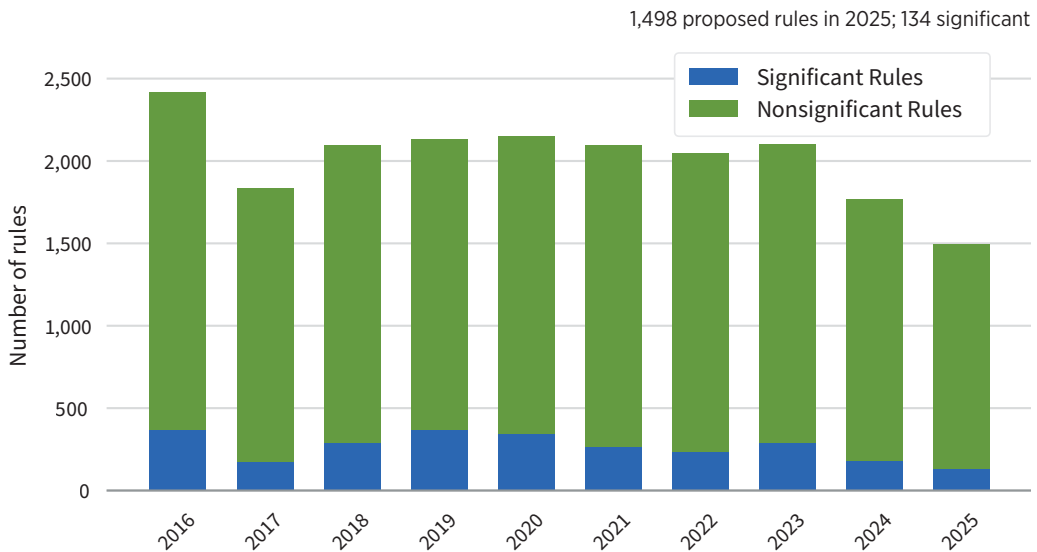
## Proposed rules

Proposed rules stand at 1,498 for 2025, the lowest tally since recordkeeping began (see Figure 13). Joe Biden issued 109 of them before he left office in January, yielding Trump a net of 1,389

proposed rules. Interestingly enough, the 1,769 proposed rule count in Joe Biden's record-breaking 2024 *Federal Register* itself set an all-time low, illustrating the trend of fewer but more substantive regulations taking up more page space. Trump's 1,837 proposed rules in the first year of his first term is the previous all-time low, despite having included more than 150 Obama proposals issued during the first weeks of 2017. As observable in Appendix E, the average number of proposed rules in the 1990s was 3,164 per year. The average from 2000 to 2010 was 2,692 annually.

In addition, 134 proposed rules in 2025 are deemed significant. Like Trump's 2025 overall number of proposed rules, this stands as the lowest count for this subset since compilations began in 1995. A number of Trump's significant deregulatory proposed rulemakings populate these already low flows. These include the Environmental Protection Agency's proposals on reconsideration of the Obama-era 2009 Endangerment Finding on carbon emissions, repeal of certain gas emission standards, fossil-fuel powered power generating usings, and partial waivers in the Renewable Fuel Standard program; the Department of Housing and Urban Development's removal of its Affirmatively Furthering Fair Housing rule; and the National Highway Traffic Safety Administration vehicle Corporate Average Fuel Economy standards. Conversely, Trump does have some costly proposed rules of which to take note, including Department of Homeland Security Trade

**Figure 13. Number of Proposed and Significant Proposed Rules in the Federal Register**



Source: Compiled by the author from the *Federal Register*.

rules and Food and Drug Administration nicotine-yield regulation.<sup>68</sup>

### The expanding Code of Federal Regulations

The *Code of Federal Regulations* (CFR) is where the *Federal Register's* rules come to rest in small print in bound volumes of magenta, teal, and fuchsia. It is not as dramatic as the yearly flow of tens of thousands of pages in the *Federal Register*, but is still a sight to behold.

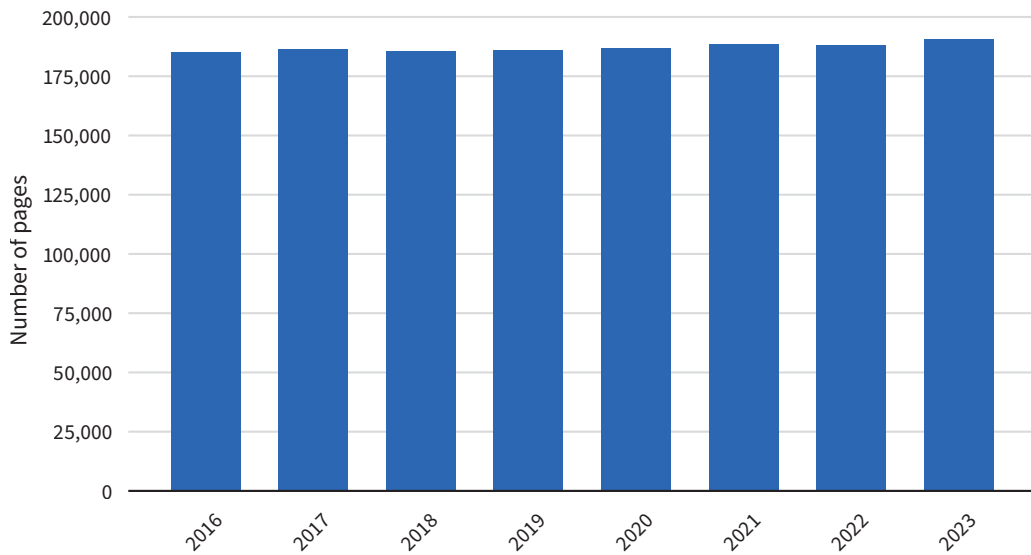
In 1960, the CFR contained 22,877 pages. By 1975, that count, including the CFR's index, had surged to 71,224. As of year-end 2023 (2024 figures have not been logged yet at the National Archives), the

count stood at 190,627, as seen in Figure 14. That is a 168 percent increase in the CFR since 1975. In 2008, George W. Bush's final full year in office, the count stood at 157,974.

The number of CFR bound volumes now stands at 244, compared with 133 in 1975. Appendix F has a detailed breakdown of numbers of pages and volumes in the CFR since 1975.

The CFR archives agency rulemakings, just as the *United States Code* does for statutes. But no official archive adequately accounts for executive actions and sub-regulatory guidance documents. The closest approach to an official government-wide archive was Trump's

**Figure 14. Code of Federal Regulations—190,627 Total Pages in 2023**



Source: National Archives and Records Administration, Office of the *Federal Register*.

2019 EO 13891, “Promoting the Rule of Law Through Improved Agency Guidance Documents,” which established online inventories on agency websites and required formal rulemakings

on public-fairness procedures. Biden revoked it, and Trump has not yet formally reinstated it. We next turn to consideration of such regulatory dark matter.

# Regulatory dark matter

Although executive actions are typically understood to deal with the internal operations of the federal government, they increasingly can have binding effects and influence private behavior. Executive orders, presidential memoranda, notices, fact sheets, and other proclamations make up a substantial component of policymaking. This may explain some of the counterintuitive decline in rule counts even as federal scope expands in spending, contracting and procurement, public-private partnerships, supply chains,<sup>69</sup> and specific technology interventions such as hydrogen hubs and blueprints for artificial intelligence. Presidents of both parties routinely threaten unilateral executive actions if Congress fails to act on their agenda.

## Executive orders

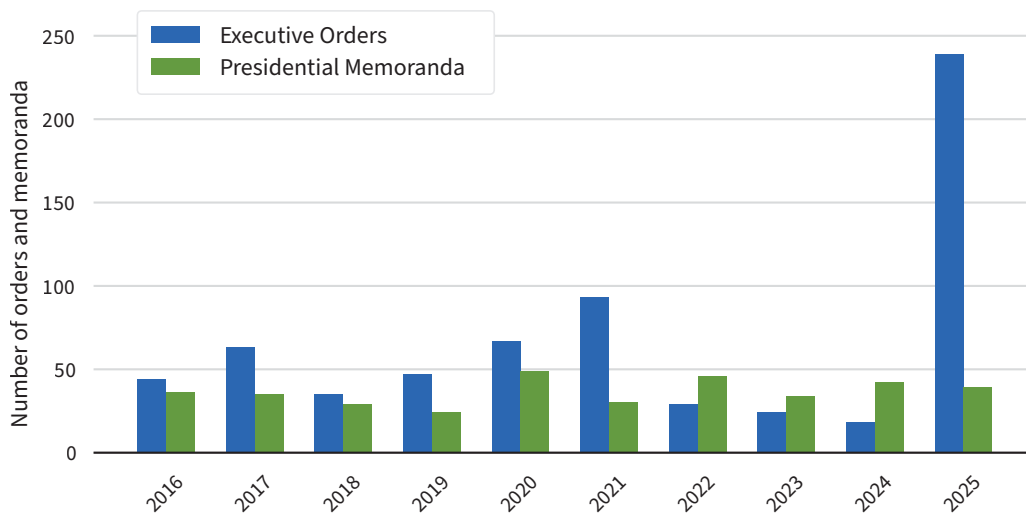
Executive orders (EOs) date back to George Washington's administration, but

their numerical cataloging and archiving has not been consistent until recent decades. Since the nation's founding, presidents have issued at least 15,892 of them (see Appendix G).

The United States was several decades old before a president issued more than two dozen executive orders as did President Franklin Pierce (1853–1857). Orders numbered in the single digits or teens until President Abraham Lincoln's federal consolidations and the subsequent Reconstruction period. President Ulysses S. Grant's total of 217 set the 19th-century record.

From the 20th century onward, executive orders have numbered over 100 during every presidency and have sometimes soared into the thousands. President Franklin D. Roosevelt, the longest-serving president in history, issued 3,467 executive orders.

**Figure 15. Number of Executive Orders and Presidential Memoranda**



Source: Compiled by the author from National Archives and Records Administration, Office of the *Federal Register*.

The 239 executive orders in 2025 stand out in Figure 15 as a 1,228 percent surge over 2024. Joe Biden issued 14 of that total, whereas Trump issued 225, bumping the 10-year average to 66. Recognizing that overlap occurs in transition years, the following are calendar-year breakdowns of total and average annual executive orders published in the *Federal Register* during recent administrations. (Calendar-year counts are provided to preserve comparisons with annual rules counts. Full dispositions in Appendix G will differ slightly.)

- ▶ Bill Clinton years (1993–2000): 364 executive orders, average of 46 per year.
- ▶ George W. Bush years (2001–2008): 302 executive orders, average of 38 per year.
- ▶ Barack Obama years (2009–2016): 291 executive orders, average of 36 per year.
- ▶ Donald Trump first term (2017–2020): 212 executive orders, average of 53 per year.
- ▶ Joe Biden years (2021–2024): 164 executive orders, average 41 of per year.

Admirably, Executive orders sometimes aim at regulatory review and streamlining in addition to their popularity for implementing policy. Bill Clinton’s 1993 EO 12866 retained OMB’s central regulatory review function established by Ronald Reagan’s EO 12291 but sought “to reaffirm the primacy of Federal agencies in the regulatory decision-making process.” Joe Biden’s EO 14094, “Modernizing Regulatory Review” of 2023,

eliminated the streamlining of Trump's EO 13771, "Reducing Regulation and Controlling Regulatory Costs,"<sup>70</sup> and raised the threshold for a significant regulatory action from \$100 million annually to \$200 million. It also transformed OMB's Circular A-4 and subsequent regulatory review guidance, which direct how cost-benefit analysis is performed. This softened oversight and biased OMB's methodology to make it find more regulations net-beneficial. Once back in office, Trump revoked Biden's undermining of regulatory review, establishing a new regime prominently featuring a one-in, ten-out mode of operation. Several among Trump's regulatory streamlining orders invoked the Department of Government Efficiency (DOGE), including:<sup>71</sup>

- ▶ EO 14158: "Establishing and Implementing the President's 'Department of Government Efficiency.'"
- ▶ EO 14170: "Reforming the Federal Hiring Process and Restoring Merit to Government Service."
- ▶ EO 14210: "Implementing the President's 'Department of Government Efficiency' Workforce Optimization Initiative."
- ▶ EO 14218: "Ending Taxpayer Subsidization of Open Borders."
- ▶ EO 14219: "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency.'"
- ▶ EO 14222: "Implementing the President's 'Department of Government Efficiency' Cost Efficiency Initiative."

- ▶ EO 14270: "Zero-Based Regulatory Budgeting to Unleash American Energy."
- ▶ EO 14267: "Reducing Anti-Competitive Regulatory Barriers."

Among other regulation-related executive orders, EO 14215, "Ensuring Accountability for All Agencies" is notable for bringing independent agencies such as the Federal Communications Commission under OMB review for the first time.

## Presidential memoranda

Presidential memoranda and notices can be trickier to tally than executive orders. They may or may not be published in the *Federal Register* or other readily accessible sources depending on a given administration's own determination of "general applicability and legal effect."<sup>72</sup> Nor are memoranda, determinations, notices, proclamations, presidential orders, and other documents reliably classified or numbered the way executive orders are.

These decrees can range from minor declarations celebrating events or people to the more consequential. The more important memoranda include a 2022 continuation of the national emergency concerning COVID-19;<sup>73</sup> proclamations expanding national monuments by hundreds of thousands of acres and prohibiting private industrial or commercial activity in those lands;<sup>74</sup> or actions affecting gun dealers involving background checks and serial numbers.<sup>75</sup> Trump's

April 9 memorandum, “Directing the Repeal of Unlawful Regulations,” was notable in building upon EO 14219 by employing the Administrative Procedure Act’s “good cause” exemption to bypass notice-and-comment procedures for certain unlawful and harmful rules.

As Figure 15 shows, Trump issued 39 memoranda compared to Joe Biden’s 42 memoranda in 2024. Trump’s 49 in 2020 mark the highest single-year count to appear in the *Federal Register* database, which records totals back to 1994. Appendix M (The Unconstitutionality Index, discussed later), depicts annual totals of both executive orders and memoranda over the past two decades.

### The following are among Trump’s 39 memoranda from 2025:

- ▶ Designation of Officials of the United States Agency for International Development to Act as Administrator, 01/13/2025.
- ▶ Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis, 01/28/2025.
- ▶ Return to In-Person Work, 01/28/2025.
- ▶ Keeping Americans Safe in Aviation, 01/31/2025.
- ▶ Limiting Lame-Duck Collective Bargaining Agreements That Improperly Attempt to Constrain the New President, 02/14/2025.
- ▶ Reciprocal Trade and Tariffs, 02/19/2025.

- ▶ Defending American Companies and Innovators from Overseas Extortion and Unfair Fines and Penalties; 02/26/2025.
- ▶ Strengthening the Suitability and Fitness of the Federal Workforce, 03/25/2025.
- ▶ Presidential Waiver of Statutory Requirements Pursuant to Section 303 of the Defense Production Act of 1950: Reviving the Manufacturing and Defense Industrial Base for Munitions and Minerals, 06/04/2025.
- ▶ Use of Appropriated Funds for Illegal Lobbying and Partisan Political Activity by Federal Grantees, 09/03/2025.
- ▶ Preventing Illegal Aliens from Obtaining Social Security Act Benefits, 04/18/2025.
- ▶ Hiring Freeze, 01/28/2025.
- ▶ Regulatory Freeze Pending Review, 01/28/2025.
- ▶ America First Trade Policy, 01/30/2025.
- ▶ Putting People Over Fish: Stopping Radical Environmentalism to Provide Water to Southern California, 01/30/2025.
- ▶ Promoting Beautiful Federal Civic Architecture, 01/30/2025.

Recognizing that overlap occurs in transition years, here are calendar-year breakdowns of total and average memoranda published in the *Federal Register* by recent administrations:

- ▶ George W. Bush (2001–2008): 129 memoranda, average 16 per year.

- ▶ Barack Obama (2009–2016): 255 memoranda, average 32 per year.
- ▶ Donald Trump (2017–2020): 137 memoranda, average 34 per year.
- ▶ Joe Biden (2021–2024): 152 memoranda, average 38 per year.

The pertinent question regarding federal intervention is what these executive orders and memoranda do, and the authority or lack thereof used to justify them.

# Over 19,000 agency public notices annually

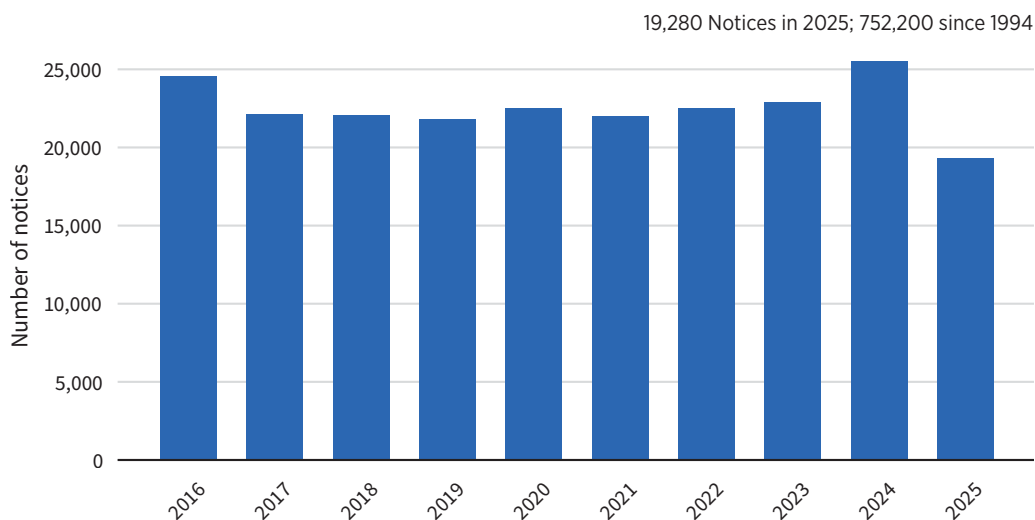
Presidents issue a few dozen memoranda and other proclamations each year. Departments and agencies, however, issue thousands of public notices in the *Federal Register* every year in addition to annual final and proposed rules. These typically consist of non-rulemaking documents, such as meeting and hearing announcements and agency organizational material. But they can also include memoranda, bulletins, guidance documents, alerts, letters, bulletins, action plans, policy statements, and other proclamations that may be more consequential to the public.

Agencies can use these to signal expectations for, specify parameters for, and influence policy for the likes of health care, retirement, education, energy production, finance, manufacturing, land and resource management, science, and research.

Figure 16 depicts notices published annually between 2016 and 2025. Standing at 19,280 in 2025, notices dropped 24 percent from 2024. Notices peaked at over 26,000 in 2010 and 2011). Historical tallies of notices and other non-rule documents dating back further appear in Appendices E and M. Although many notices are trivial, there have been 752,200 of them since 1994 and well over a million since the 1970s.

Isolating the substantive guidance amid this haystack remains a challenge. Much consequential agency guidance never appears in the *Federal Register*. A 2018 House Oversight Committee report, *Shining Light on Regulatory Dark Matter* found that agencies had issued at least 13,000 guidance documents since 2008, of which at least 536 were significant.<sup>76</sup> Trump's 2019's EO 13891, "Promoting the Rule of

**Figure 16. Notices in the *Federal Register***



Source: National Archives and Records Administration, Office of the *Federal Register*.

Law Through Improved Agency Guidance Documents” attempts to address these concerns.

Under Biden, most of the 32 departments and agencies that adopted formal guidance document procedures for public-fairness and transparency as instructed by EO 13891 wrote new rules to affirmatively disavow and eliminate the nascent disclosures, as shown in Table 5.

Surveying the remnants of the EO 13891 portals, this author’s 2025 compilation of guidance documents stood at a conservative 70,410 across departments, agencies, subagencies, and commissions, down from 108,000 in 2024.<sup>77</sup> These revelations are possible only because of EO 13891, which points to the power of shining more sunlight across the administrative state.

**Table 5. Trump-Era Final Rules on Guidance Document Procedures and Biden Revocations (page 1 of 3)**

	<b>32 Final Rules On Guidance (FROGs)</b>	<b>Biden FROG stampings (22 to date)</b>
Dept. of Agriculture	<a href="https://www.govinfo.gov/content/pkg/FR-2020-06-03/pdf/2020-09886.pdf">https://www.govinfo.gov/content/pkg/FR-2020-06-03/pdf/2020-09886.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2023-05-04/pdf/2023-09531.pdf">https://www.govinfo.gov/content/pkg/FR-2023-05-04/pdf/2023-09531.pdf</a>
Dept. of Commerce	<a href="https://www.govinfo.gov/content/pkg/FR-2020-09-28/pdf/2020-18604.pdf">https://www.govinfo.gov/content/pkg/FR-2020-09-28/pdf/2020-18604.pdf</a>	
Dept. of Defense	<a href="https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-11551.pdf">https://www.govinfo.gov/content/pkg/FR-2020-05-29/pdf/2020-11551.pdf</a>	
Dept. of Education	<a href="https://www.govinfo.gov/content/pkg/FR-2020-10-05/pdf/2020-20799.pdf">https://www.govinfo.gov/content/pkg/FR-2020-10-05/pdf/2020-20799.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-09-29/pdf/2021-20992.pdf">https://www.govinfo.gov/content/pkg/FR-2021-09-29/pdf/2021-20992.pdf</a>
Dept. of Energy	<a href="https://www.govinfo.gov/content/pkg/FR-2021-01-06/pdf/2020-27875.pdf">https://www.govinfo.gov/content/pkg/FR-2021-01-06/pdf/2020-27875.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-06-04/pdf/2021-11753.pdf">https://www.govinfo.gov/content/pkg/FR-2021-06-04/pdf/2021-11753.pdf</a>
Dept. of Health & Human Services	<a href="https://www.govinfo.gov/content/pkg/FR-2020-12-07/pdf/2020-26832.pdf">https://www.govinfo.gov/content/pkg/FR-2020-12-07/pdf/2020-26832.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-07-25/pdf/2022-15567.pdf">https://www.govinfo.gov/content/pkg/FR-2022-07-25/pdf/2022-15567.pdf</a>
Dept. of Housing & Urban Development	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-10/pdf/2020-23982.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-10/pdf/2020-23982.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-07-06/pdf/2021-14019.pdf">https://www.govinfo.gov/content/pkg/FR-2021-07-06/pdf/2021-14019.pdf</a>
Dept. of the Interior (HQ)	<a href="https://www.govinfo.gov/content/pkg/FR-2020-10-26/pdf/2020-22238.pdf">https://www.govinfo.gov/content/pkg/FR-2020-10-26/pdf/2020-22238.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-15/pdf/2021-07685.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-15/pdf/2021-07685.pdf</a>
Dept. of Justice	<a href="https://www.govinfo.gov/content/pkg/FR-2020-10-07/pdf/2020-19030.pdf">https://www.govinfo.gov/content/pkg/FR-2020-10-07/pdf/2020-19030.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-07-16/pdf/2021-14480.pdf">https://www.govinfo.gov/content/pkg/FR-2021-07-16/pdf/2021-14480.pdf</a>
Dept. of Labor	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18500.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18500.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01746.pdf">https://www.govinfo.gov/content/pkg/FR-2021-01-27/pdf/2021-01746.pdf</a>
Dept. of Transportation (OST)	<a href="https://www.govinfo.gov/content/pkg/FR-2019-12-27/pdf/2019-26672.pdf">https://www.govinfo.gov/content/pkg/FR-2019-12-27/pdf/2019-26672.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06416.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-02/pdf/2021-06416.pdf</a>
Dept. of Veterans' Affairs	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-13/pdf/2020-25121.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-13/pdf/2020-25121.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-06-07/pdf/2021-11835.pdf">https://www.govinfo.gov/content/pkg/FR-2021-06-07/pdf/2021-11835.pdf</a>
Environmental Protection Agency	<a href="https://www.govinfo.gov/content/pkg/FR-2020-10-19/pdf/2020-20519.pdf">https://www.govinfo.gov/content/pkg/FR-2020-10-19/pdf/2020-20519.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-05-18/pdf/2021-10269.pdf">https://www.govinfo.gov/content/pkg/FR-2021-05-18/pdf/2021-10269.pdf</a>

**Table 5. Trump-Era Final Rules on Guidance Document Procedures and Biden Revocations (page 2 of 3)**

	<b>32 Final Rules On Guidance (FROGs)</b>	<b>Biden FROG stampings (22 to date)</b>
Agency for International Development	<a href="https://www.govinfo.gov/content/pkg/FR-2021-01-05/pdf/2020-26352.pdf">https://www.govinfo.gov/content/pkg/FR-2021-01-05/pdf/2020-26352.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07314.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-09/pdf/2021-07314.pdf</a>
Compliance Board (Access Board)	<a href="https://www.govinfo.gov/content/pkg/FR-2020-09-21/pdf/2020-18411.pdf">https://www.govinfo.gov/content/pkg/FR-2020-09-21/pdf/2020-18411.pdf</a>	
Corporation for Nat'l & Community Svc.	<a href="https://www.govinfo.gov/content/pkg/FR-2020-07-23/pdf/2020-13940.pdf">https://www.govinfo.gov/content/pkg/FR-2020-07-23/pdf/2020-13940.pdf</a>	
Council on Environmental Quality	<a href="https://www.govinfo.gov/content/pkg/FR-2021-01-08/pdf/2020-28881.pdf">https://www.govinfo.gov/content/pkg/FR-2021-01-08/pdf/2020-28881.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-13/pdf/2021-07398.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-13/pdf/2021-07398.pdf</a>
Court Sevices/Offender Supervision, D.C.	<a href="https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-09152.pdf">https://www.govinfo.gov/content/pkg/FR-2020-05-19/pdf/2020-09152.pdf</a>	
Equal Employment Opportunity Commission	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-02/pdf/2020-22542.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-02/pdf/2020-22542.pdf</a>	
Federal Deposit Insurance Corporation	<a href="https://www.govinfo.gov/content/pkg/FR-2021-03-02/pdf/2021-01537.pdf">https://www.govinfo.gov/content/pkg/FR-2021-03-02/pdf/2021-01537.pdf</a>	
Federal Mediation and Conciliation Service	<a href="https://www.govinfo.gov/content/pkg/FR-2020-04-20/pdf/2020-07523.pdf">https://www.govinfo.gov/content/pkg/FR-2020-04-20/pdf/2020-07523.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-06-01/pdf/2021-11204.pdf">https://www.govinfo.gov/content/pkg/FR-2021-06-01/pdf/2021-11204.pdf</a>
National Aeronautics & Space Administration	<a href="https://www.govinfo.gov/content/pkg/FR-2020-03-24/pdf/2020-05675.pdf">https://www.govinfo.gov/content/pkg/FR-2020-03-24/pdf/2020-05675.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-08-09/pdf/2021-16772.pdf">https://www.govinfo.gov/content/pkg/FR-2021-08-09/pdf/2021-16772.pdf</a>
National Archives & Records Administration	<a href="https://www.govinfo.gov/content/pkg/FR-2020-05-28/pdf/2020-09353.pdf">https://www.govinfo.gov/content/pkg/FR-2020-05-28/pdf/2020-09353.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07580.pdf">https://www.govinfo.gov/content/pkg/FR-2022-04-11/pdf/2022-07580.pdf</a>
National Endowment for the Arts	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18459.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18459.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-10-25/pdf/2021-23135.pdf">https://www.govinfo.gov/content/pkg/FR-2021-10-25/pdf/2021-23135.pdf</a>
National Endowment for the Humanities	<a href="https://www.govinfo.gov/content/pkg/FR-2020-09-14/pdf/2020-18481.pdf">https://www.govinfo.gov/content/pkg/FR-2020-09-14/pdf/2020-18481.pdf</a>	
Office of Government Ethics	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-16474.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-16474.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-05-11/pdf/2021-09954.pdf">https://www.govinfo.gov/content/pkg/FR-2021-05-11/pdf/2021-09954.pdf</a>

**Table 5. Trump-Era Final Rules on Guidance Document Procedures and Biden Revocations (page 3 of 3)**

	<b>32 Final Rules On Guidance (FROGs)</b>	<b>Biden FROG stampings (22 to date)</b>
Office of Personnel Management	<a href="https://www.govinfo.gov/content/pkg/FR-2020-10-16/pdf/2020-21393.pdf">https://www.govinfo.gov/content/pkg/FR-2020-10-16/pdf/2020-21393.pdf</a>	
Peace Corps	<a href="https://www.govinfo.gov/content/pkg/FR-2020-11-18/pdf/2020-24915.pdf">https://www.govinfo.gov/content/pkg/FR-2020-11-18/pdf/2020-24915.pdf</a>	
Pension Benefit Guaranty Corporation	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-26/pdf/2020-17952.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-26/pdf/2020-17952.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06734.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-01/pdf/2021-06734.pdf</a>
Railroad Retirement Board	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18861.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-28/pdf/2020-18861.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-30/pdf/2021-09036.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-30/pdf/2021-09036.pdf</a>
Social Security Administration	<a href="https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-17878.pdf">https://www.govinfo.gov/content/pkg/FR-2020-08-20/pdf/2020-17878.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-04-21/pdf/2021-08113.pdf">https://www.govinfo.gov/content/pkg/FR-2021-04-21/pdf/2021-08113.pdf</a>
Tennessee Valley Authority	<a href="https://www.govinfo.gov/content/pkg/FR-2020-09-24/pdf/2020-19546.pdf">https://www.govinfo.gov/content/pkg/FR-2020-09-24/pdf/2020-19546.pdf</a>	<a href="https://www.govinfo.gov/content/pkg/FR-2021-05-27/pdf/2021-10059.pdf">https://www.govinfo.gov/content/pkg/FR-2021-05-27/pdf/2021-10059.pdf</a>

Source: Compiled by the author from agency websites and *Federal Register*.

# A note on rule reviews at OMB

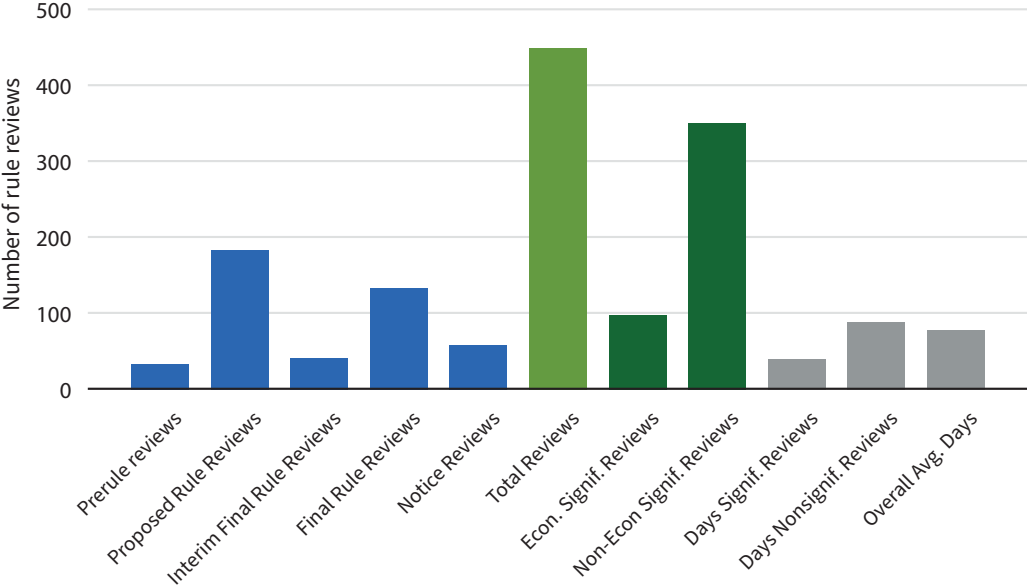
Rule reviews at OMB are a useful variable to examine alongside costs, page counts, rule counts, and guidance documents, among others. Figure 17 depicts 449 rule reviews that OMB conducted during calendar year 2025, broken down by stage and economic significance. Total reviews are down from 554 in 2024. There were 503 total reviews in Biden's first year and 669 in the final year of Trump's first term.

There were 98 economically significant rules among the 449 rules reviewed in 2025. Under Biden, economically significant rules had yielded to the higher-threshold Section 3(f)(1) Significant (S3F1) rules. There were 172 S3F1 rule

reviews in 2024. Of the thousands of notices issued, OMB reviewed 58 during calendar year 2025, down from 64 in 2024.

Figure 17 also presents the number of days OMB took to review significant and nonsignificant rules and regulations, a process that typically takes roughly two and a half months. During the pre-EO 12866 years of 1991-1993, rule review times were shorter than today despite considerably higher rule counts. Appendix H provides a history of the numbers of rules and notices reviewed annually, broken down by type and average review time from 1991 through 2025.

**Figure 17. Number of OMB Rule Reviews and Average Days Under Review, 2025**



Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading.

# Unified Agenda of regulatory actions

Along with the *Report to Congress*, the *Federal Register*, and the *Code of Federal Regulations*, another vehicle for regulatory disclosure is the spring and fall editions of the *Regulatory Plan* and *Unified Agenda of Federal Regulatory and Deregulatory Actions*. Agencies outline regulatory goals and intentions in the *Unified Agenda*, particularly in the fall *Regulatory Plan* component.

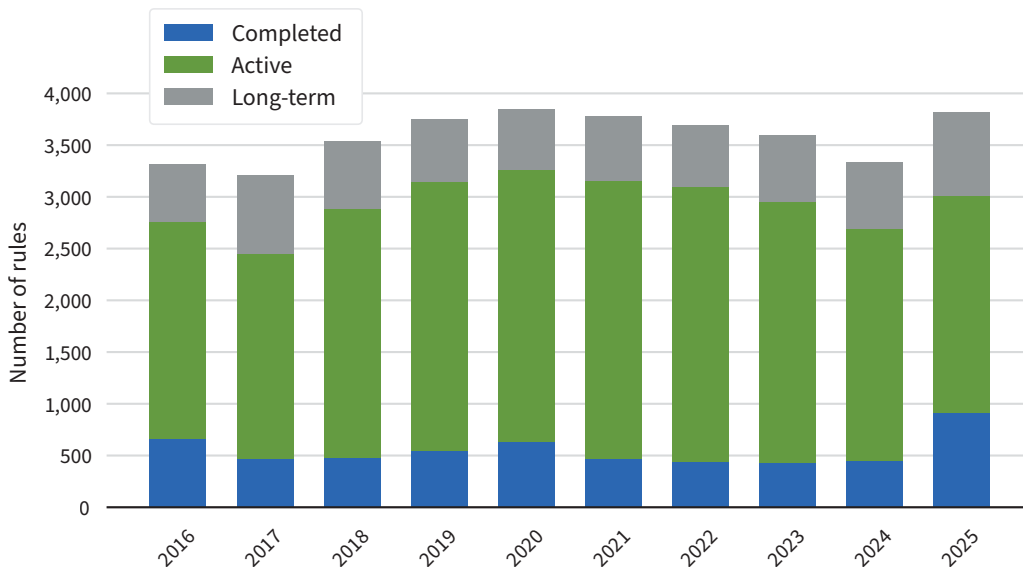
As of this writing, the Trump administration has not published a fall *Agenda*, marking the latest failure to publish the document since the Obama administration skipped the spring 2012 edition altogether. Accordingly, the analysis that follows treats the late-year spring *Agenda* as definitive for year-end purposes—much as this report substitutes analysis of the one-in, ten-out program’s *Final Accounting* for what would ordinarily be a review

of an updated OMB *Report to Congress* on regulatory costs and benefits.

The *Unified Agenda* is not a comprehensive compendium of all rules like the *Federal Register*. Instead, it presents a cross-section of regulatory priorities from more than 60 federal departments, agencies, and commissions across three categories:

- ▶ Active actions: prerule measures and proposed or final rules in development.
- ▶ Completed actions: rules finalized (or withdrawn) during the (roughly) six months since the prior *Unified Agenda*.
- ▶ Long-term actions: rulemakings anticipated to take place beyond a 12-month horizon.

**Figure 18. Agency Rules in the Fall Unified Agenda Pipeline**



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions” database at [reginfo.gov](http://reginfo.gov). “Active” rules consist of rules at the prerule, proposed, and final stages.

The *Unified Agenda* reflects administrations’ differing priorities and surrounding political realities, such as a dramatic and incongruent rulemaking pause under Obama during the 2012 election season<sup>78</sup> (the same timeframe during which the spring 2012 *Agenda* was allowed to lapse). The Biden administration’s pursuit of regulatory net benefits contrasted sharply with the one-in, two-out streamlining mindset reflected in the semiannual *Unified Agendas* between 2017 and 2020, when hundreds of entries were explicitly labeled deregulatory. It is important to note that agencies are not required to limit their regulatory activity to the material published in the *Unified Agenda* unless an administration directs otherwise.<sup>79</sup>

Rather, the *Unified Agenda* “reflect[s] what the agency wants to make public, not necessarily all activity under consideration, and some highly controversial issues may be withheld.”<sup>80</sup>

The spring *Agenda* appeared late, in September 2025.<sup>81</sup> That snapshot showed 69 departments, agencies, and commissions listing 3,816 rules in the active (prerule, proposed, and final), recently completed, and long-term stages. Figure 18 breaks these down alongside prior years’ fall *Agendas*. Note the increase over the 3,331 rules in the fall 2024 *Agenda* under Biden, in part attributable to a number of Trump’s aforementioned “unrules” in the form of removals, extensions,

**Table 6. Unified Agenda Entries by Department, Agency, and Commission, Spring 2025 (page 1 of 3)**

	#Rules	Active	Completed	Long-term
Dept. of Agriculture	177	93	58	26
Dept. of Commerce	292	184	80	28
Dept. of Defense	130	108	11	11
Dept. of Education	10	10		
Dept. of Energy	111	75	23	13
Dept. of Health & Human Services	190	133	35	22
Dept. of Homeland Security	117	45	44	28
Dept. of Housing & Urban Development	61	37	23	1
Dept. of the Interior	402	193	37	172
Dept. of Justice	129	22	60	47
Dept. of Labor	152	103	21	28
Dept. of State	52	30	17	5
Dept. of Transportation	472	291	128	53
Dept. of Treasury	363	248	71	44
Dept. of Veterans' Affairs	69	28	22	19
Environmental Protection Agency	233	107	50	76
Advisory Council on Historic Preservation	2	2		
Agency for International Development	13		2	11
Compliance Board	3	3		
CPBSD*	6	6		
Commodity Futures Trading Commission	35	26	9	
Consumer Financial Protection Bureau	39	24	14	1
Corp. for National & Community Service	8		8	
Council on Environmental Quality	3	1	2	
Court Services/Offender Supervision, D.C.	4	4		
Federal Acquisition Regulation	41	17	24	
Defense Nuclear Facilities Safety Board	1	1		
Farm Credit Administration	13	8	2	3
Farm Credit System Insurance Corporation	1		1	
Federal Communications Commission	134	1	18	115

**Table 6. Unified Agenda Entries by Department, Agency, and Commission, Spring 2025 (page 2 of 3)**

	#Rules	Active	Completed	Long-term
Federal Deposit Insurance Corporation	24	7	5	12
Federal Energy Regulatory Commission	29	26	3	
FFIEC^ Appraisal Subcommittee	5	5		
Federal Election Commission	4			4
Federal Housing Finance Agency	33	14	18	1
Federal Maritime Commission	8	6	1	1
Federal Mediation and Conciliation Service	2	2		
Federal Mine Safety & Health Rev Comm	1		1	
Federal Permitting Imprmt Steering Council	2	2		
Federal Reserve System	29	5	12	12
Federal Trade Commission	22	17	4	1
General Services Administration	25	4	18	3
Merit Systems Protection Board	2			2
National Aeronautics & Space Administration	4	2	2	
National Archives & Records Administration	16	14	1	1
National Credit Union Administration	24	3	21	
National Endowment for the Arts	2	2		
National Indian Gaming Commission	10	8		2
National Labor Relations Board	2	2		
National Mediation Board	1		1	
National Science Foundation	7	4	1	2
National Transportation Safety Board	4	1	3	
Nuclear Regulatory Commission	60	34	8	18
Office of Government Ethics	8	6	2	
Office of Management & Budget	6	6		
Office of the National Cyber Director	1	1		
Office of Personnel Management	46	35	8	3
Peace Corps	4	4		
Pension Benefit Guaranty Corporation	10	9	1	
Postal Regulatory Commission	5		1	4

**Table 6. Unified Agenda Entries by Department, Agency, and Commission, Spring 2025 (page 3 of 3)**

	#Rules	Active	Completed	Long-term
Presidio Trust	3	3		
Railroad Retirement Board	13	8	2	3
Securities and Exchange Commission	54	23	29	2
Selective Service System	2	2		
Small Business Administration	60	24	4	32
Social Security Administration	17	13	3	1
Surface Transportation Board	5	4	1	
Tennessee Valley Authority	2	1	1	
U.S Agency for Global Media	1	1		
<b>TOTAL</b>	<b>3,816</b>	<b>2098</b>	<b>911</b>	<b>807</b>

\*Committee for Purchase From People Who Are Blind or Severely Disabled  
 ^Federal Financial Institutions Examination Council

administrative updates and enforcement relaxations that nonetheless require rule-writing that populates the *Agenda* and *Federal Register*. Here’s a breakdown of the *Agenda*’s 3,816 entries:

- ▶ 2,098 entries are active (prerule, proposed, or final).
- ▶ 911 entries are completed actions. These are up sharply from Biden’s last *Agenda*, but many are removals, compliance date extensions, and administrative updates, and not new rules.
- ▶ 807 entries are long-term items, also up sharply over prior years; many deregulatory in scope.

Table 6 breaks out by department, agency, and commission the spring 2025 *Agenda*’s

3,816 rules in the active, completed, and long-term stages.

The Active stage typically features well over 2,000 rules annually. Most Active rules in any given edition of the *Unified Agenda* are carryovers from prior editions as they advance through stages. Many have been in the pipeline for some time.<sup>82</sup> In the spring 2025 edition however, 868 active rulemakings appear for the first time, compared to 275 in the final Biden *Agenda* of fall 2024. In both Biden’s first year and Trump’s first-term final year, there were fewer than 500 first-time active rules.

Historically, through 2013, the *Unified Agenda* often exceeded 4,000 active, completed, and long-term rules. *Unified*

## Table 7. Top Rule-Producing Executive and Independent Agencies

From Spring 2025 Unified Agenda;  
Active, Completed & Long-term rules

Executive Agency	Number of Rules
1. Dept. of Transportation	472
2. Dept. of the Interior	402
3. Dept. of the Treasury	363
4. Dept. of Commerce	292
5. Environmental Protection Agency	233
<b>TOTAL</b>	<b>1,762</b>
<b>% of Total Agenda Pipeline of 3,816</b>	<b>46%</b>

Independent Agency	Number of Rules
1. Federal Communications Commission	133
2. Nuclear Regulatory Commission	60
3. Small Business Administration	60
4. Securities and Exchange Commission	54
5. Consumer Financial Protection Bureau	39
<b>TOTAL</b>	<b>346</b>
<b>% of Total Agenda Pipeline of 3,816</b>	<b>9%</b>

<b>Top 5 Executives plus Top 5 Independents</b>	<b>2,108</b>
<b>% of Total Agenda Pipeline</b>	<b>55%</b>

Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” Spring 2025 edition

*Agenda* counts were highest in the 1990s, peaking at 5,119 rules in fall 1994 before a series of mid-1990s regulatory reforms were enacted by Congress. The fall 2017 *Unified Agenda* pipeline of 3,209 contained the fewest rules since 1983, even without counting that Trump edition’s 540 deregulatory entries. (For a history of the total numbers of rules in the *Unified Agenda* from 1983 to the present, see Appendix I.)

A relative handful of executive branch agencies each year account for the greatest number of rules in the pipeline. In the spring 2025 *Unified Agenda*, the Departments of Transportation, Interior, Treasury, Commerce, and the Environmental Protection Agency are the most active (see Table 7). These top five, with 1,762 rules among them, account for 46 percent of the 3,816 rules in the pipeline. The Department of Health and Human Services, with 190 rules, takes sixth place.

The top five independent agencies in the *Unified Agenda* pipeline by rule count (excluding the multiagency Federal Acquisition Regulations System’s 41 rules) are the Federal Communications Commission, Nuclear Regulatory Commission, Small Business Administration, Securities and Exchange Commission, and the Consumer Financial Protection Bureau. Their total of 346 rules accounts for nine percent of the 3,816 rules in the spring *Unified Agenda*. Combined, the top five executive and independent agencies account for 2,108 rules, or 55 percent of the total.

# Economically significant rules

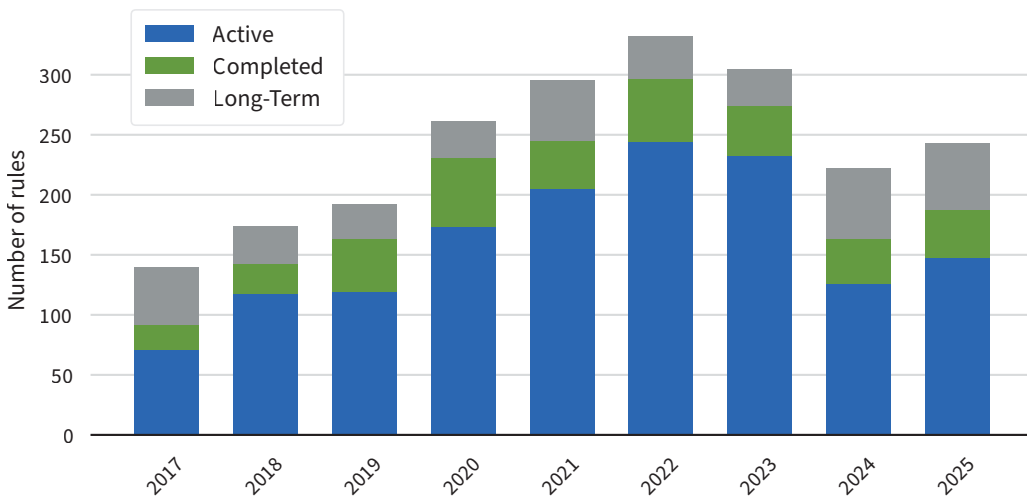
From 1993 until April 2023, rules with annual economic effects of at least \$100 million were classified as economically significant. Biden's EO 14094 raised the cost threshold for a significant regulatory action to \$200 million and changed its name to a Section 3(f)(1) Significant (S3F1) designation.<sup>83</sup> Trump restored the \$100 million threshold in 2025.

As Figure 19 shows, 243 rules in the spring 2024 pipeline (again, treated here as a consolidation of spring and fall editions in the absence of fall *Agenda*) are designated as having at least \$100 million in annual economic effects, compared to 222 in Biden's final year. A large proportion of them are deregulatory, whereas Biden's 222 (and his 304 in 2023) were S3F1 rules meeting the threshold of \$200 million in economic effect. Of Trump's 243 rules, 40 are recently completed, 148

are active, and 55 are long-term. Table 8 inventories these 243 rules by the 25 issuing departments and agencies. Of the completed economically significant rules, four were from the Department of Energy and 13 from Health and Human Services. The deregulatory nature of many of these significant rules contrasts with the \$77 billion in annualized regulatory costs added over four fiscal years, as compiled from OMB's latest *Report to Congress* editions presented earlier in Table 3. Restoring OMB's report would provide a more complete picture of Trump's actions.

Appendix J contains the full compendium of 148 active (prerule, proposed, and final) economically significant rules and 55 long-term rules under development in the spring 2025 *Unified Agenda*.

## Figure 19. Section 3(f)(1) Significant (S3F1) Rules in the Fall Unified Agenda



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years and spring 2025 edition.

Recognizing that overlap occurs in transition years after elections (for example, Biden issued 68 significant rules between the fall *Unified Agenda* and Trump’s inauguration), the following are calendar-year breakdowns of average high-significance active rules in recent administrations in their fall *Unified Agendas*. Note that Biden showed considerably more activity despite the higher \$200 million cost threshold he himself established in 2023:

- ▶ George W. Bush (eight years): average 87 in fall *Unified Agendas*.
- ▶ Barack Obama (eight years): average 133 per year.
- ▶ Donald Trump (four years): average 120 per year.
- ▶ Joe Biden (four years): average 202 per year.

Figure 19 represents flows of the fall *Unified Agendas*. While this creates a thorough year-end snapshot of active and long-term rules, incorporating the spring *Unified Agendas* alongside fall editions is necessary for a full picture of the completed subset during any given year. Figure 20 captures these since 2016, as well as the 40 completed economically significant rules of spring 2025 (again, no fall edition is available). Note also that the surge of 116 completed rules in 2024 under Biden marks the highest count in this interval, even as these rules met the higher S3F1 \$200 million threshold.

Again recognizing transition year overlap, the following are calendar-year breakdowns of completed highly significant rules under recent administrations.

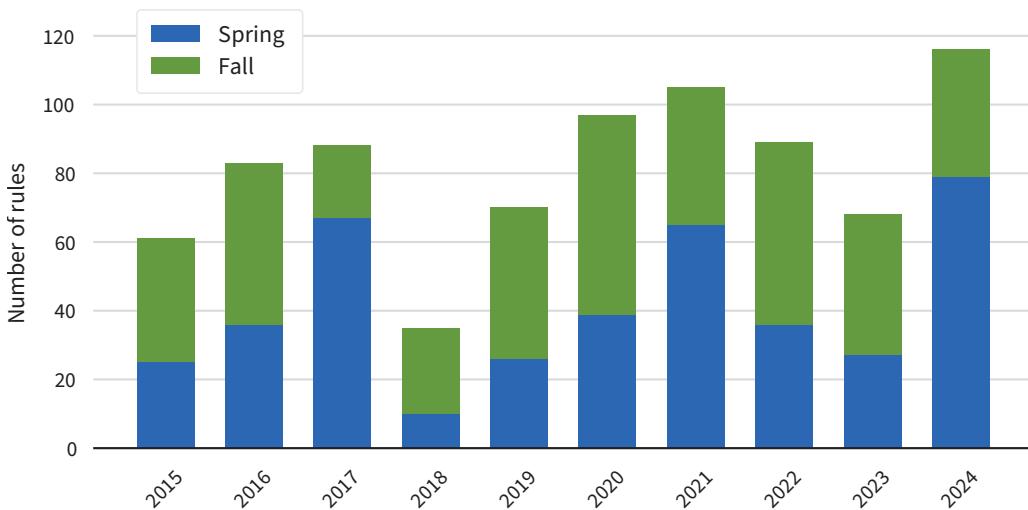
**Table 8. Spring 2025 Economically Significant Rules Breakdown by Department, Agency and Commission**

243 Rules Anticipated to have \$100 Million Annual Economic Effect

	Rules	Active			Completed	Long Term
		Prerule	Proposed	Final		
Department of Agriculture	14		5	3	3	3
Department of Commerce	3		1		1	1
Department of Energy	24		16	1	4	3
Department of Health & Human Services	47	1	14	15	13	4
Department of Homeland Security	9		5	1	2	1
Department of the Interior	4		3	1		
Department of Justice	1				1	
Department of Labor	23		9	6	5	3
Department of State	1			1		
Department of Transportation	13	3	6	1	2	1
Department of Treasury	2			2		
Department of Veterans' Affairs	12			6	1	5
Environmental Protection Agency	15		7	5	2	1
Commodity Futures Trading Commission	2			2		
Consumer Product Safety Commission	3		3			
Federal Acquisition Regulation	2			2		
Federal Deposit Insurance Corporation	5		2		1	2
Federal Energy Regulatory Commission	1			1		
Federal Housing Finance Administration	1				1	
Federal Reserve System	2		2			
Federal Trade Commission	3			2	1	
Nuclear Regulatory Commission	3		2		1	
Pension Benefit Guaranty Corporation	1			1		
Securities and Exchange Commission	19	2	15		1	1
Small Business Administration	31			1		30
Social Security Administration	2		1		1	
<b>TOTAL</b>	<b>243</b>	<b>6</b>	<b>91</b>	<b>51</b>	<b>40</b>	<b>55</b>

Source: Compiled from "The Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions."

**Figure 20. Annual Completed High-Significance Rules in the Unified Agenda**



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, spring and fall editions, various years.

Biden’s average is the highest at 95 completed per year, even with the late-term shift to the higher \$200 million threshold.

- ▶ George W. Bush (eight years): average 49 completed economically significant rules per year.
- ▶ Barack Obama (eight years): average 69 completed economically significant rules per year.
- ▶ Donald Trump first term (four years): average 73 economically significant rules per year (including more than 50 deregulatory during the term).
- ▶ Joe Biden (four years): average 95 highly significant rules per year.

Box 1 inventories the spring 2025 *Agenda*’s 40 completed economically significant

actions.<sup>84</sup> Of the 40 completed actions, many are deregulatory. Formally restoring that classification would be a key metric to reinstate in 2026. For example, despite Biden’s EO 14094 raising the threshold for economic significance, major rules always retained a \$100 million threshold as codified in the 1996 Congressional Review Act. Furthermore, rules can be classified major for reasons other than cost. The larger population of major rules in the spring 2025 *Agenda* stands at 60.

The emphasis on the high-cost rule subsets should not distract policymakers and analysts from the remaining bulk of rules in the annual pipeline. Many of these can and do impose substantial costs or effects in their own right.

## Box 1. Inventory of 40 Spring 2025 Completed Economically Significant Actions

### DEPARTMENT OF AGRICULTURE

1. USDA/FSA, Supplemental Agricultural Assistance Programs, 0560-AI68
2. USDA/FSA, Supplemental Disaster Relief Program (SDRP) Stage 1, 0560-AI71
3. USDA/FSA, Emergency Livestock Relief Program (ELRP) 2023 and 2024, 0560-AI73

### DEPARTMENT OF COMMERCE

4. DOC/PTO, Setting and Adjusting Patent Fees During Fiscal Year 2025, 0651-AD64

### DEPARTMENT OF ENERGY

5. DOE/EE, Energy Conservation Standards for Walk-In Coolers and Freezers, 1904-AD79
6. DOE/EE, Energy Conservation Standards for Commercial Refrigerators, Freezers, and Refrigerator-Freezers, 1904-AD82
7. DOE/EE, Energy Conservation Standards for Consumer Water Heaters, 1904-AD91
8. DOE/EE, Energy Conservation Program: Energy Conservation Standards for Consumer Water Heaters, 1904-AF65

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

9. HHS/FDA, Nutrient Content Claims, Definition of Term: Healthy, 0910-AI13
10. HHS/FDA, Tobacco Product Standard for Characterizing Flavors in Cigars, 0910-AI28
11. HHS/FDA, Tobacco Product Standard for Menthol in Cigarettes, 0910-AI60
12. HHS/FDA, Tobacco Product Standard for Nicotine Yield of Cigarettes and Certain Other Combusted Tobacco Products, 0910-AI76
13. HHS/OASH, Organ Procurement and Transplantation: Implementation of the HIV Organ Policy Equity Act, 0937-AA13
14. HHS/CMS, Short-Term, Limited-Duration Insurance and Independent, Noncoordinated Excepted Benefits Coverage (CMS-9904), 0938-AU67
15. HHS/CMS, Healthcare System Resiliency and Modernization (CMS-3426), 0938-AU91
16. HHS/CMS, Clarifying Eligibility of DACA Recipients and Certain Other Noncitizens for a QHP through an Exchange, Advance Payments of the Premium Tax Credit, Cost-Sharing Reductions, and a BHP (CMS-9894), 0938-AV23
17. HHS/CMS, Medicare Part B Monthly Actuarial Rates, Premium Rates, and Annual Deductible Beginning January 1, 2025 (CMS-8088), 0938-AV38
18. HHS/CMS, HHS Notice of Benefit and Payment Parameters for 2026 (CMS-9888), 0938-AV41
19. HHS/CMS, Enhancing Coverage of Preventive Services Under the Affordable Care Act (CMS-9887), 0938-AV57
20. HHS/CMS, Patient Protection and Affordable Care Act; Marketplace Integrity and Affordability (CMS-9884), 0938-AV61
21. HHS/ACF, Strengthening Temporary Assistance for Needy Families (TANF) as a Safety Net Program, 0970-AC97

### DEPARTMENT OF HOMELAND SECURITY

22. DHS/USCIS, Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants, 1615-AC78
23. DHS/USCIS, Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program for H-2B Workers Seeking To Change Employers, 1615-AC95

#### **DEPARTMENT OF JUSTICE**

24. DOJ/NSD, Provisions Regarding Access to Americans' Bulk Sensitive Personal Data and Government-Related Data by Countries of Concern, 1124-AA01

#### **DEPARTMENT OF LABOR**

25. DOL/ETA, Temporary Employment of H-2B Foreign Workers in the United States, 1205-AB93
26. DOL/ETA, Exercise of Time-Limited Authority to Increase the Numerical Limitation for FY 2025 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change, 1205-AC20
27. DOL/EBSA, Short-Term, Limited-Duration Insurance; and Independent, Noncoordinated Excepted Benefits Coverage, 1210-AC12
28. DOL/EBSA, Enhancing Coverage of Preventive Services under the Affordable Care Act (CMS-9887-P), 1210-AC25
29. DOL/OSHA, Infectious Diseases, 1218-AC46

#### **DEPARTMENT OF TRANSPORTATION**

30. DOT/FHWA, Application of Buy America to Manufactured Products, 2125-AG13
31. DOT/FMCSA, Heavy Vehicle Speed Limiters, 2126-AB63

#### **DEPARTMENT OF VETERANS AFFAIRS**

32. VA, Post-9/11 Improvements, Fry Scholarship, and Interval Payments Amendments, 2900-AQ88

#### **ENVIRONMENTAL PROTECTION AGENCY**

33. EPA/OAR, Renewable Fuel Standard (RFS) Program: Partial Waiver of 2024 Cellulosic Biofuel Volume Requirement, 2060-AW46
34. EPA/OCSPP, Perchloroethylene (PCE); Regulation Under the Toxic Substances Control Act (TSCA), 2070-AK84

#### **FEDERAL DEPOSIT INSURANCE CORPORATION**

35. FDIC, Unsafe and Unsound Banking Practices: Brokered Deposits Restrictions, 3064-AF99

#### **FEDERAL HOUSING FINANCE AGENCY**

36. FHFA, 2025-2027 Enterprise Housing Goals, 2590-AB34

#### **FEDERAL TRADE COMMISSION**

37. FTC, Unfair or Deceptive Fees Trade Regulation Rule, 3084-AB77

#### **NUCLEAR REGULATORY COMMISSION**

38. NRC, Revision of Fee Schedules: Fee Recovery for FY 2025 [NRC-2023-0069], 3150-AK95

#### **SECURITIES AND EXCHANGE COMMISSION**

39. SEC, Amendments to NMS Plan for the Consolidated Audit Trail, 3235-AM62

#### **SOCIAL SECURITY ADMINISTRATION**

40. SSA, Use of Electronic Payroll Data To Improve Program Administration, 0960-AH88

# Federal regulations affecting small business

The National Association of Manufacturers report reaffirmed that average annual per-employee regulatory costs vary by firm size. The smaller the organization, the higher the per-employee regulatory costs, particularly in manufacturing. As shown in Table 9, NAM found that per-employee regulatory costs for firms with fewer than 50 workers can be substantially higher than those for larger firms—\$50,100 compared with \$24,800.

The Regulatory Flexibility Act (RFA) directs federal agencies to consider their rules' effects on small entities.<sup>85</sup> Figure 21 depicts active, completed, and long-term rules in the spring *Unified Agenda* that require RFA analysis, as well as rules that do not require RFA scrutiny but that agencies still believe will affect small businesses. Of the 655 rules affecting small business in the 2025 spring *Agenda*,

310 required an RFA analysis, which is the lowest level seen in Figure 21. Earlier Obama-era overall tallies were higher, occasionally exceeding 800.<sup>86</sup> The total count fell to 590 in 2017 under the Trump administration.

The following are averages of the number of rules requiring RFA analysis in fall *Unified Agenda* snapshots of completed, active, and long-term rules during recent administrations:

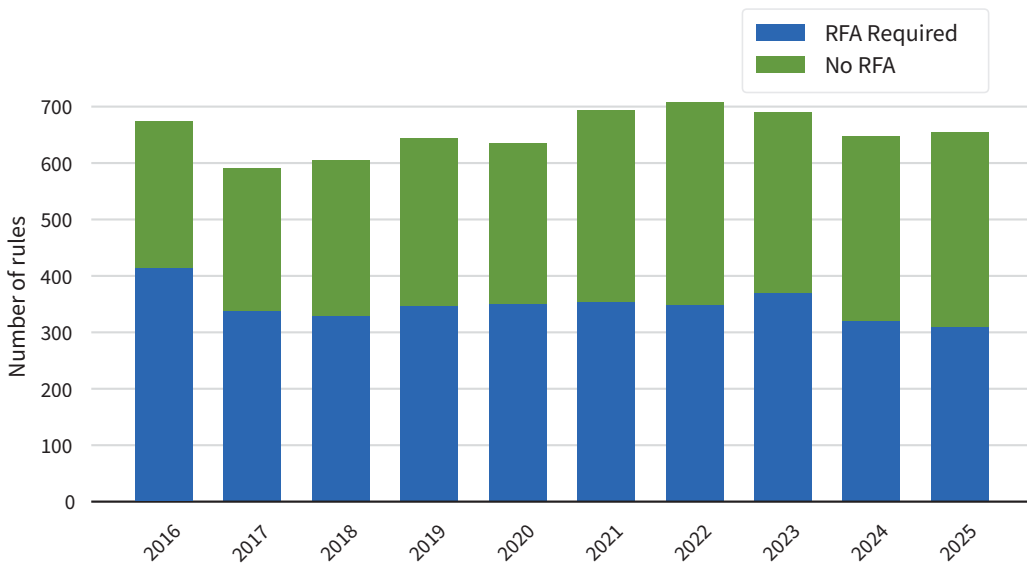
- ▶ George W. Bush: average of 377 rules requiring small-business RFA analysis.
- ▶ Barack Obama: average of 406 rules.
- ▶ Donald Trump: average of 341 rules (including dozens deemed deregulatory).
- ▶ Joe Biden: average of 348 rules.

**Table 9. Distribution of Regulatory Costs in Small, Medium, and Large Manufacturing Firms, (2022)**

	All Firms	< 50 employees	50-99 employees	> 100 employees
All federal regulations	\$29,100	\$50,100	\$28,000	\$24,800
Economic	\$10,400	\$7,600	\$10,900	\$11,000
Environmental	\$17,200	\$40,700	\$15,200	\$12,500
Tax compliance	\$500	\$500	\$800	\$400
Occupational/ homeland security	\$1,000	\$1,300	\$1,100	\$900

Source: W. Mark Crain and Nicole V. Crain, “The Cost of Federal Regulation to the U.S. Economy, Manufacturing and Small Business,” National Association of Manufacturers.

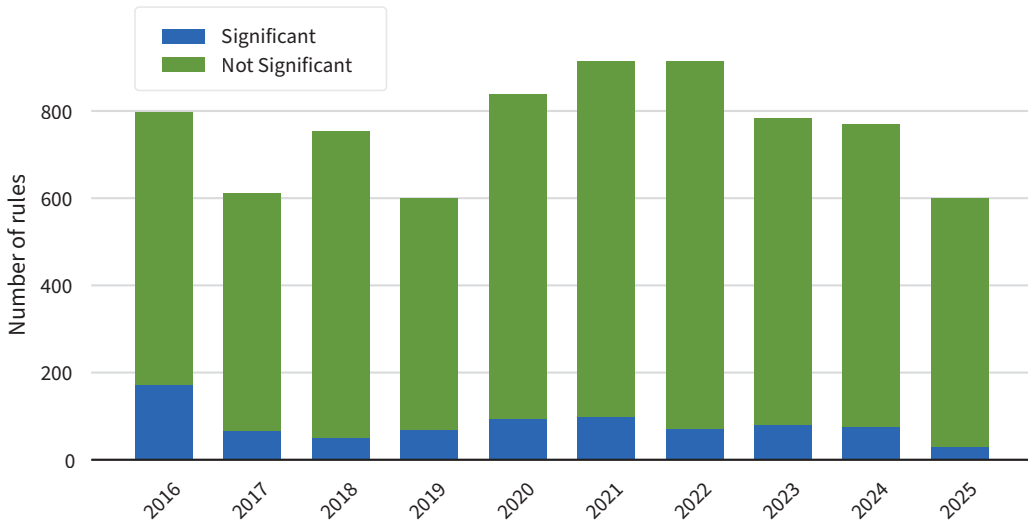
**Figure 21. Rules in the Unified Agenda Pipeline Affecting Small Business**



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, fall edition, various years and spring 2025 edition.

Note: RFA = regulatory flexibility analysis.

**Figure 22. Number of Final and Significant Final Rules in the *Federal Register* Affecting Small Business**



Source: Compiled by the author from the *Federal Register*.

Table 10 breaks out the spring 2025 *Unified Agenda*'s 655 rules affecting small business by department, agency, and commission. The top five—the FCC; the Departments of Commerce, Health and Human Services, and the Treasury; and the Environmental Protection Agency—are the standouts, accounting for 361 rules, or 55 percent of the 655 rules affecting small business.

The FCC alone contributes 93 long-term rules deemed to require RFA analysis. The overall proportion of total rules affecting small business in the *Unified Agenda* stands at 17 percent but varies among agencies. Of the 655 rules affecting small business, 60 are deemed economically significant, compared to 76 Section 3(f) (1) Significant rules in 2024 under Biden.

These significant rules are broken out at the bottom of Table 10.

To complement the *Unified Agenda* snapshots, we return to the *Federal Register* and its calendar-year depictions of finalized small-business rules. Figure 22 depicts completed final rules in the *Federal Register* deemed to affect small business, as well as the subset of such rules classified as significant under EO 12866. The 599 small-business final rules and the subset of 30 significant rules both stand at the lowest levels of all time, again with unrules notable among them.<sup>87</sup>

Trump's rule counts are substantially below recent averages, particularly with deregulatory or streamlining moves taken into account. Once again recognizing

**Table 10. Rules in the Unified Agenda that Affect Small Business by Department, Agency, and Commission, Spring 2025 Edition (page 1 of 5)**

	Total Rules	Number Affecting Small Business										Affecting Small Business Top 5	
		RFA Required					RFA Not Required						
		Active	Completed	Long-term	Completed	Active	Completed	Long-term	Completed	Active	Completed		Long-term
Dept. of Agriculture	177	8	5	3	4	1	4	4	4	1	4	25	14.1%
Dept. of Commerce	292	25	5	10	33	8	81	27.7%	81				
Dept. of Defense	130	1			13		3	17	13.1%				
Dept. of Education	10						0	0.0%					
Dept. of Energy	111		4		2		6	5.4%					
Dept. of Health and Human Services	190	11	5	6	22	3	50	26.3%	50				
Dept. of Homeland Security	117	4	4	5		1	17	14.5%					
Dept. of Housing and Urban Development	61						0	0.0%					
Dept. of the Interior	402	7		1	8	3	24	6.0%					
Dept. of Justice	129		1	1	2	11	20	15.5%					
Dept. of Labor	152	6	4	3	9	2	28	18.4%					
Dept. of State	52				6	4	11	21.2%					
Dept. of Transportation	472	2	2	5	20	3	35	7.4%					
Dept. of Treasury	363	2	11	1	31	5	53	14.6%	53				
Dept. of Veterans' Affairs	69						0	0.0%					
Environmental Protection Agency	233	2	3	2	15	7	43	18.5%	43				

**Table 10. Rules in the Unified Agenda that Affect Small Business by Department, Agency, and Commission, Spring 2025 Edition (page 2 of 5)**

	Total Rules	Number Affecting Small Business								Affecting Small Business Top 5
		RFA Required				RFA Not Required				
		Active	Completed	Long-term	Total	Active	Completed	Long-term	Total	
Advisory Council on Historic Preservation	2								0	0.0%
Agency for International Development	13				1		2	3		23.1%
Architectural and Transportation Barriers Compliance Board	3							0		0.0%
CPBSD*	6							0		0.0%
Commodity Futures Trading Commission	35							0		0.0%
Consumer Financial Protection Bureau	39	1			3	7		11		28.2%
Corp. for National & Community Service	8							0		0.0%
Council on Environmental Quality	3							0		0.0%
Court Services/Offender Supervision, D.C.	4							0		0.0%
Federal Acquisition Regulation	41	7	2		10	21		40		97.6%
Defense Nuclear Facilities Safety Board	1							0		0.0%
Farm Credit Administration	13							0		0.0%
Farm Credit System Insurance Corporation	1							0		0.0%
Federal Communications Commission	134	1	15	93			4	113		84.3%
Federal Deposit Insurance Corporation	24						1	1		4.2%

**Table 10. Rules in the Unified Agenda that Affect Small Business by Department, Agency, and Commission, Spring 2025 Edition (page 3 of 5)**

	Total Rules	Number Affecting Small Business								Affecting Small Business Top 5
		RFA Required				RFA Not Required				
		Active	Completed	Long-term	Total	Active	Completed	Long-term	Total	
Federal Energy Regulatory Commission	29								0	0.0%
FFIEC^ Appraisal Subcommittee	5								0	0.0%
Federal Election Commission	4								0	0.0%
Federal Housing Finance Agency	33								0	0.0%
Federal Maritime Commission	8				1				1	12.5%
Federal Mediation and Conciliation Service	2								0	0.0%
Federal Mine Safety & Health Rev Comm	1								0	0.0%
Federal Permitting Imprmt Steering Council	2								0	0.0%
Federal Reserve System	29						1		1	3.4%
Federal Trade Commission	22	1	1			15	3		20	90.9%
General Services Administration	25		9	3		2	9		23	92.0%
Merit Systems Protection Board	2								0	0.0%
National Aeronautics & Space Administration	4					1			1	25.0%
National Archives & Records Administration	16								0	0.0%
National Credit Union Administration	24						1		1	4.2%
National Endowment for the Arts	2								0	0.0%

**Table 10. Rules in the Unified Agenda that Affect Small Business by Department, Agency, and Commission, Spring 2025 Edition (page 4 of 5)**

	Total Rules	Number Affecting Small Business								Affecting Small Business Top 5
		RFA Required				RFA Not Required				
		Active	Completed	Long-term	Total	Active	Completed	Long-term	Total	
National Indian Gaming Commission	10								0	0.0%
National Labor Relations Board	2								0	0.0%
National Mediation Board	1								0	0.0%
National Science Foundation	7								0	0.0%
National Transportation Safety Board	4								0	0.0%
Nuclear Regulatory Commission	60	3	1						4	100.0%
Office of Government Ethics	8								0	0.0%
Office of Management & Budget	6								0	0.0%
Office of the National Cyber Director	1								0	0.0%
Office of Personnel Management	46								0	0.0%
Peace Corps	4								0	0.0%
Pension Benefit Guaranty Corporation	10								0	0.0%
Postal Regulatory Commission	5								0	0.0%
Presidio Trust	3								0	0.0%
Railroad Retirement Board	13								0	0.0%
Securities and Exchange Commission	54	10	11						21	38.9%

**Table 10. Rules in the Unified Agenda that Affect Small Business by Department, Agency, and Commission, Spring 2025 Edition (page 5 of 5)**

	Total Rules	Number Affecting Small Business							Affecting Small Business Top 5	
		RFA Required			RFA Not Required			Total		
		Active	Completed	Long-term	Active	Completed	Long-term			
Selective Service System	2							0	0.0%	
Small Business Administration	60	3						3	5.0%	
Social Security Administration	17							0	0.0%	
Surface Transportation Board	5							0	0	
Tennessee Valley Authority	2				1	1		2	100.0%	
U.S Agency for Global Media	1							0	0	
<b>Totals</b>	<b>3,816</b>	<b>93</b>	<b>84</b>	<b>133</b>	<b>197</b>	<b>92</b>	<b>56</b>	<b>655</b>	<b>17.2%</b>	<b>361</b>
			<b>310</b>		<b>345</b>				<b>55% of Total</b>	

“Section 3(f)(1) Significant” subset	2023	53	14	10	22	2	4	105
“Section 3(f)(1) Significant” subset	2024	36	14	13	9	3	1	76
Economically Significant subset	2025	31	16	4	7		2	60

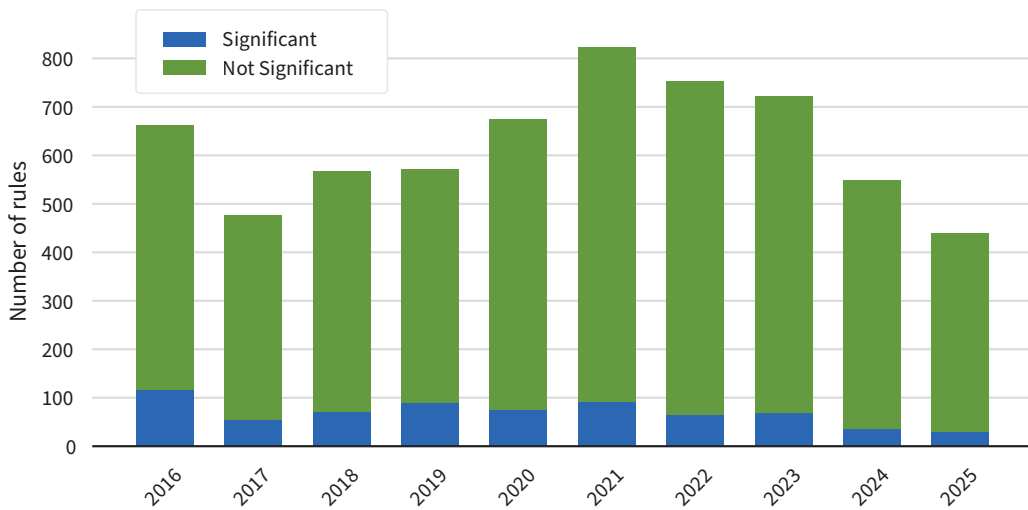
Source: Compiled from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” and from online edition at [www.reginfo.gov](http://www.reginfo.gov).

Note: L-T = long term; RFA = regulatory flexibility analysis.

\*Committee for Purchase from People Who are Blind or Severely Disabled (CPBSD)

^Federal Financial Institutions Examination Council (FFIEC)

**Figure 23. Number of Proposed and Significant Proposed Rules in the *Federal Register* Affecting Small Business**



Source: Compiled by the author from the *Federal Register*.

the transition-year overlap caveat, the following are calendar-year averages of the number of final and final significant rules in the *Federal Register* affecting small business during recent administrations:

- ▶ Barack Obama (eight years): average 694 rules per year affecting small business, 117 significant.
- ▶ Donald Trump (four years): average 701 rules per year affecting small business, 70 significant (including deregulatory).
- ▶ Joe Biden (four years): average 846 rules per year, 82 significant.

Mirroring final rules, total proposed rules in the *Federal Register* affecting small business fell to a low of 440 in 2025 after peaking at 823 in 2021, as seen in Figure

23. Counts for significant proposed rules deemed to affect small business fell to a low of 30.

Transition-year caveat in mind yet again, the following are calendar-year averages of the number of proposed and significant proposed rules affecting small business during recent administrations; Trump’s 2025 results, even including Biden rules issued in January, remain well below recent historical averages:

- ▶ Barack Obama (eight years): average 612 proposed rules per year affecting small business, 128 significant.
- ▶ Donald Trump first term (four years): average 572 proposed rules per year, 72 significant (including deregulatory).

- ▶ Joe Biden (four years): average 711 rules per year, 66 significant.

As firms grow, they encounter a regulatory regime that expands mechanically with employee headcount. Federal workplace regulation features a sequence of statutory triggers, each imposing

new mandates once a firm crosses a specified size threshold. Appendix K documents this accumulation by listing major non-sector-specific federal laws whose regulatory requirements attach incrementally as businesses add workers, creating compliance hurdles that can discourage hiring and distort firm growth.

# Federal rules affecting state and local governments

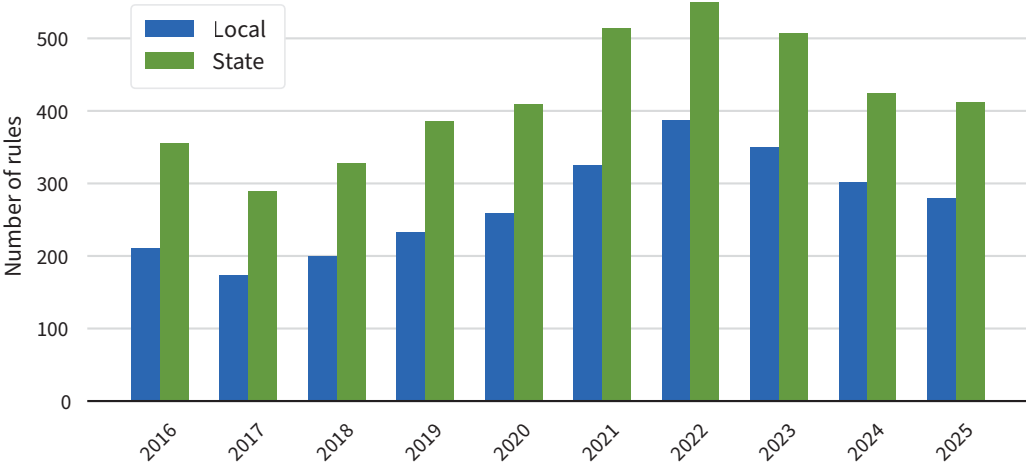
State and local officials' concerns about federal mandates overriding their priorities resulted in passage of the Unfunded Mandates Reform Act (UMRA) of 1995. The law requires Congressional Budget Office cost estimates for mandates affecting state, local, and tribal governments above the then-threshold of \$50 million. The threshold stands at \$100 million today. While the federal government continues to impose mandates on state and local governments, recent legislative enactments have meant that many are funded rather than unfunded, undermining alliances between small businesses and lower-level governments for regulatory reform and red tape relief. The Congressional Research Service, for example, now estimates grants-in-aid to states now exceed \$1 trillion.<sup>88</sup>

As Figure 24 shows, agencies report that 279 of the 3,816 rules in the spring 2025 *Unified Agenda* pipeline affect local governments and 411 affect state governments,<sup>89</sup> both marked declines from the Biden years.

Of the 2,102 active rules in the spring 2025 *Unified Agenda*, only four are acknowledged to impose unfunded mandates on state, local, or tribal governments. Two of the rules are from the Department of Health and Human Services, and one each are from the Environmental Protection Agency and the Department of Agriculture. Just one of 807 long-terms actions is noted to contain unfunded mandates.

Economically significant rules affect state and local governments just as they do the

**Figure 24. Rules Affecting State and Local Governments**



Source: Compiled by the author from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, various years’ editions; and from online edition at [reginfo.gov](http://reginfo.gov).

private sector, meaning federal strictures will overrule local decision-making. But so long as extraordinary sums of money flow unimpeded from Washington, lower-level governments may remain content. Fourteen economically significant rules

affecting state and/or local governments were listed in the spring 2025 *Agenda* as completed since Biden’s fall 2024 edition. There are 23 economically significant active rules and three planned for the long term across all lower-level governments.

# GAO database on rules and major rules

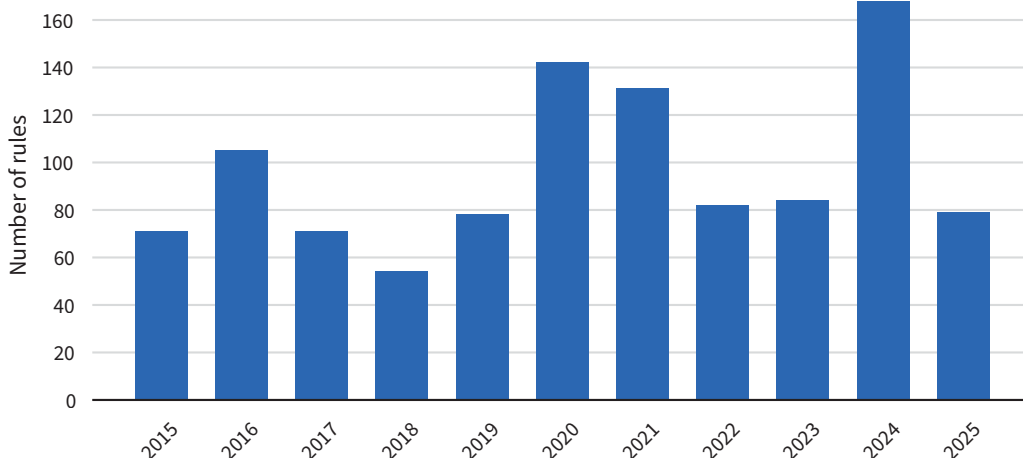
The federal government’s regulatory reports and databases serve different but intertwined purposes. The *Federal Register* presents all proposed and final rules, along with numerous presidential documents and notices, on a daily and calendar-year basis. The *Unified Agenda* presents agency priorities with details about a subset of rules at various stages in the production pipeline and their economic significance twice yearly on an irregular, semi-fiscal-year basis.

The Government Accountability Office (GAO) compiles regulatory information as well. The 1996 Congressional Review Act (CRA) requires agencies to submit rules to both houses of Congress and the GAO. The GAO is tasked with preparing reports to Congress on major rules, typically those with annual estimated effects of \$100 million or more.

Major rules can add or reduce burdens, delay policy implementation, or set rates and standards for large government programs like Medicaid. Major guidance documents are also subject to the CRA but are rarely presented to the GAO or Congress in a readily trackable way. Until 2024, the submission form provided to agencies made no note of them apart from a checkbox labeled “Other.”<sup>90</sup>

The CRA provides Congress a window of 60 legislative days to review a submitted rule and pass a resolution of disapproval.<sup>91</sup> Despite the issuance of thousands of rules since the CRA’s passage, it was invoked only once before the Trump administration, against a Clinton-era ergonomics rule. Even today, fewer than two dozen regulations have been overturned through CRA resolutions, the bulk of them during the two Trump administrations.

**Figure 25. Major Rules in the GAO Database**



Source: Government Accountability Office.

Thanks to the CRA, one can monitor the thousands of final rules archived at the GAO each year, as well as track reports on those classified as major. GAO’s database contained 92,249 rules through January 20, 2026.<sup>92</sup> For comparison, recall that the *Federal Register* and National Archives repository identified 107,650 rules since the CRA’s passage through year-end 2025 (Appendix E). The GAO database is incomplete, though, as not all regulations are reported despite CRA requirements.<sup>93</sup>

For 2025, the GAO database contains 543 rules (major and non-major) received from departments and agencies. Due to reporting lag, rules entering GAO’s database after this report’s compilation will add to the ultimate total. For example, GAO reports 1,971 in 2024 and 2,168 for 2023. All of these counts lag behind the *Federal Register* tallies covered earlier.

Figure 25 depicts the number of major rules between 2016 and 2025 that policymakers might compare with final economically significant rules, with the caveat that totals in recent years fluctuate in the GAO report before converging on a stable cardinal number. Paralleling the decline in significant and economically significant rules, the 79 major rules recorded in 2025 represent a 53 percent drop from 2024’s 168. Appendix L presents agency details on these major rules back to 2003.

With transition overlap in mind, totals and calendar-year averages of the number of major rules during recent administrations follow:

- ▶ George W. Bush (eight years): 492 major rules, average 62 rules per year.
- ▶ Barack Obama (eight years): 675 major rules, average 84 rules per year.

- ▶ Donald Trump first term (four years): 345 major rules, average 86 rules per year (including deregulatory).
- ▶ Joe Biden (four years): 464 major rules, average 116 rules per year.

# The 2026 Unconstitutionality Index: 18 rules for every law

Article I of the Constitution vests legislative power in Congress. In practice, however, administrative agencies issue the vast majority of binding rules governing economic activity and social policy.<sup>94</sup> Congress enacts major legislation and delegates broad discretion to agencies, which then fill in the details through rule-writing, at times claiming authority well beyond the original statutory intent. This persistent imbalance gives rise to the Unconstitutionality Index: the ratio of agency rules to laws enacted by Congress.

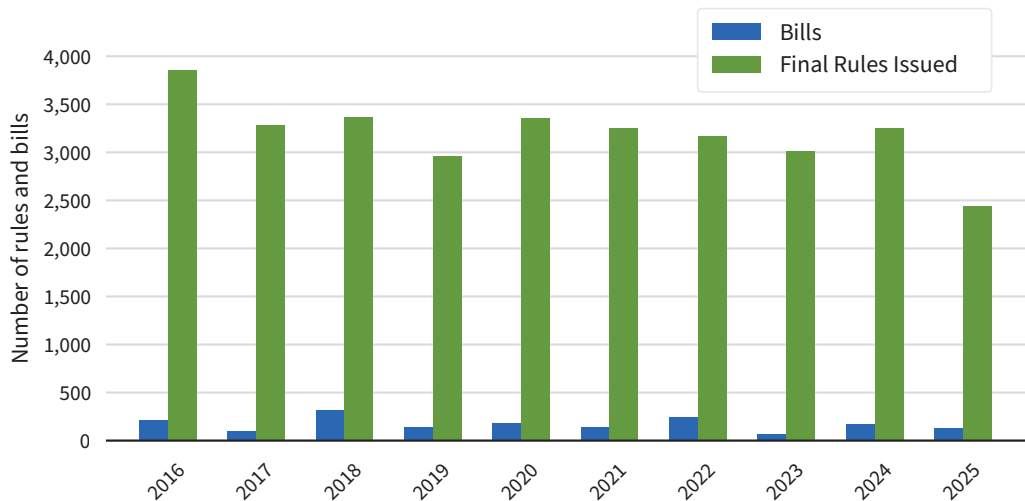
In 2025, federal regulatory agencies issued 2,441 rules, an all-time low in

modern regulatory recordkeeping. Meanwhile, Congress enacted 133 laws signed by the president. This yields an Unconstitutionality Index of 18 rules issued for every law passed, as shown in Figure 26.<sup>95</sup> The decade-long average is 22 rules per law.

The 2025 Index closely mirrors 2024's 19 rules per law, when agencies issued 3,248 final rules and the 118th Congress enacted 175 laws. Recall that, apart from 2025 and the 2019 dip during President Trump's first term, annual rule counts have always exceeded 3,000, surpassing 4,000 during the 1990s and exceeding

## Figure 26. The 2025 Unconstitutionality Index

2,441 agency rules, compared to 133 laws enacted by Congress and signed by POTUS



Sources: *Federal Register* data from National Archives and Records Administration and from author calculations at [tenthousandcommandments.com](http://tenthousandcommandments.com). Public laws data compiled by the author from Government Printing Office, *Public and Private Laws*, <http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=PLAW>; and from <https://www.congress.gov/public-laws/>. Figures also available at National Archives, *Previous Sessions: Public Law Numbers*, <http://www.archives.gov/federal-register/laws/past/index.html>.

7,000 in the 1970s and early 1980s, as detailed earlier and in Appendix E.

Of the 133 laws enacted in 2025, 65 were signed by President Biden in early January before leaving office, while 68 laws were enacted by the first session of the 119th Congress and signed by President Trump. Both laws and rules vary widely in scope and significance, ranging from technical adjustments to sweeping policy changes.

Clearly, the Index can fluctuate substantially with changes in either its numerator or denominator. An uncharacteristically high score of 44 rules per law in 2023 resulted primarily from Congress enacting just 68 laws that year, compared with

a recent peak of 313 laws enacted in 2018. Timing and archival practices also affect annual totals.

The past year was unusual in another respect: a significant share of both laws and regulations were deregulatory. Of the 68 laws signed by President Trump, 22, or nearly one-third, were resolutions of disapproval overturning late-term Biden regulations under the Congressional Review Act. Many 2025 regulations likewise consisted of delays, rescissions, or enforcement relaxations rather than new mandates.<sup>96</sup>

As always, agency rules issued in a given year rarely correspond directly to laws

enacted that same year. Many current regulations stem from earlier statutes such as the Inflation Reduction Act, infrastructure legislation, and the CHIPS and Science Act. Beyond formal rulemaking, agencies increasingly rely on executive orders, guidance documents, memoranda, notices, informal interpretations, and other forms of regulatory dark matter that can substitute for traditional lawmaking. Were these instruments fully accounted for, the Unconstitutionality Index would be considerably higher. Appendix M presents a long-term comparison of rules and laws over multiple decades and also

depicts executive orders and memoranda for additional context.

Despite its limitations, the Unconstitutionality Index provides a useful indicator of the extent to which lawmaking has migrated away from Congress. It highlights Congress's persistent delegation of authority and its failure to reclaim its constitutional role. The Index also helps keep a spotlight on remedies such as regulatory budgeting, regulatory reduction commissions, and requirements for congressional approval of major rules—reforms to which we now turn.

# Getting things undone: An agenda for rightsizing Washington

We close with an appeal to restore enumerated powers. This would solve the overregulation dilemma, and would have prevented it in the first place. Reforms should give Congress tighter oversight over a smaller administrative state, in which departments, agencies, and enabling statutes have all been terminated, while limiting Congress's own future overreach. This report also includes a regulatory report card template for improving regulatory transparency and extending it to regulatory dark matter. Such disclosure is as necessary to regulatory oversight as the federal budget is to spending oversight.

Overdelegation is rampant, but secondary compared to recent debt-fueled

legislation that flouts Congress's own enumerated powers. The CARES Act, Families First Coronavirus Response Act, American Rescue Plan, Infrastructure Investment and Jobs Act, Inflation Reduction Act, CHIPS and Science Act, and even lesser-known new laws like the Corporate Transparency Act, the Airport and Airway Extension Act, and the TAKE IT DOWN Act reaffirm policymakers' top-down stance toward economic and social planning.

Congress should make it hard to both spend and regulate. It should do this with the zeal it once showed in pursuing requirements for a two-thirds majority vote for revenue increases,<sup>97</sup> because the issues are intertwined. Had that effort

succeeded, Washington may have been rightsized by now, given the degree to which hyper-spending and legislative abuse are driving so much rulemaking and accompanying regulatory dark matter.

Today, that rightsizing can only occur when Congress repeals or amends statutes that sustain the counterproductive regulatory enterprise. It must abolish, downsize, defund, and deny appropriations to agencies, subagencies, and programs.

The antitrust regulatory apparatus, for example, should be repealed, along with the Federal Trade Commission and Federal Communications Commission's enabling statutes in their current form.<sup>98</sup> Abuses of crises and national emergency declarations require sweeping privatization and localization of federal functions, along with ending grants and subsidies of all kinds that fuel economic regulation and social dependency (which the federal apparatus largely fails to recognize as deregulation).<sup>99</sup> Such steps are necessary to abolish the custodial state's whole-of-government forays into climate, equity, competition policy, censorship, social engineering, and more. These interventions undermine the nation's stability, productivity, and fairness.

Recent editions of this report, 2023 and 2024 in particular, surveyed some of Congress's more prominent regulatory reform bills.<sup>100</sup> This time, we recap some of the underlying concepts and newer

options. Foremost, Congress should enforce the existing regulatory controls it now ignores, including on-time publication of the annual *Information Collection Budget*, the cost-benefit *Report to Congress*, and the accompanying aggregate cost assessment required by the 1999 Regulatory Right-to-Know Act. Congress must verify and document that rules and guidance are submitted to both houses of Congress and to the GAO as required by the Congressional Review Act, and to affirm a stance that rules and guidance not reported are void.

The cost-benefit fantasy needs to be retired as well. Federal agencies cannot reliably perform cost-benefit analysis, for the same reason that students cannot grade their own tests. Creative regulators, who enjoyed OMB support under Biden, can alternate between maximizing suspect net benefits as provided for in OMB's Circular A-4 guidance on regulatory analysis, or they can simply claim that benefits justify costs, as specified in EO 12866.

If OMB oversight is compromised when a progressive administration is in power, then that function needs to be drastically reformed or replaced.<sup>101</sup> Alternatively, a tough and skeptical Congressional Office of Regulatory Analysis could be established.<sup>102</sup> A pilot project of sorts had been instituted at the turn of the century but was defunded.

We have established that regulatory costs cannot be objectively ascertained,

yet the public is bound regardless. That means that Congress must take direct responsibility and approve all costly or controversial regulations before they become binding. Along with reaffirming constitutional norms, that approach forces Congress to internalize costs of nonquantifiable interventions like those outlined in Appendix C.

The current incarnation of this principle is the REINS Act, or Regulations from the Executive in Need of Scrutiny Act. Its forerunner was the better-named Congressional Responsibility Act, which would “prohibit a regulation from taking effect before the enactment of a bill comprised solely of the text of the regulation.”<sup>103</sup> A lesser but related step toward democratic accountability is requiring a Senate-confirmed official to sign off on new rules. That could backfire and worsen the problem if it results in permanent legitimization of the administrative state by an officialdom that has long forgotten or simply disregards what preceded it.

Routine review and rule purging could be enabled by a Regulatory Reduction Commission modeled after the military Base Realignment and Closure Commission. This body would compile regular reports on outdated, unnecessary, and duplicative rules that Congress would eliminate by joint resolution.<sup>104</sup> In a related fiscal policy development that might open the door to some cross-fertilization, the House Budget Committee during

the 118th Congress pondered a bipartisan Fiscal Commission Act to address the national debt.<sup>105</sup> With appropriate containment of today’s administrative free-ranging, a limited regulatory budget could help assess, disclose, and cap costs of regulations and guidance documents individually and in the aggregate.

With respect to those guidance documents, Congress must address and contain that abuse, starting by requiring guidance documents to uniformly attest to their nonbinding nature and by formalizing guidance document disclosure. No *Code of Federal Regulations*-style database yet exists for guidance. Even the nascent portals Trump established by executive order were cast aside by the Biden administration (see Table 5). The Guidance Out of Darkness (GOOD) Act to establish public portals wherein agencies must post their guidance documents has been the primary vehicle here, at times with strong bipartisan support. Further steps beyond the GOOD Act are needed, such as requiring a single portal rather than individual agency portals and implementing a Guidance Information Number (GIN) classification system mirroring the Regulation Identifier Number for rules.<sup>106</sup> Guidance has risen in significance and should be coordinated and cross-referenceable with *Federal Register* and *Unified Agenda* rule reporting. As noted earlier, even numerical cataloging for rules and executive orders is relatively new, and guidance can catch up to them.

## Box 2. Regulatory Transparency Report Card: Suggested Official Summary Data by Program, Agency, and Grand Total (with Historical Tables)

- ▶ Tallies of high-significance rules and minor rules by department, agency, and commission, by cost tier (an ALERT Act component)

### BREAKDOWN OF HIGH-SIGNIFICANCE RULES

Category 1	> \$50 million, <\$500 million
Category 2	> \$500 million, < \$1 billion
Category 3	> \$1 billion
Category 4	> \$5 billion
Category 5	>\$10 billion

- ▶ Tallies of regulatory and guidance cost estimates, including subtotals by agency and grand total by category. These could include paperwork hours, economic costs, and social, health and safety, environmental costs
- ▶ Aggregate cost estimates of regulation and guidance
- ▶ Numbers and percentages of regulations that contain these numerical cost estimates
- ▶ Numbers and percentages of rules lacking cost estimates, with explanations
- ▶ Number and percentage of interim final rule (IFR) enactments and reviews
- ▶ Tallies of significant and other guidance documents, memoranda, and other regulatory dark matter by department, agency, and commission
- ▶ Rankings of most active rule-making agencies
- ▶ Identification of which agencies most increased rule output in absolute and percentage terms
- ▶ Numbers and percentages of executive and independent agency rules deemed Deregulatory
- ▶ Numbers and percentages of rules affecting small business by significance, with RFA-required and non-required; Deregulatory component
- ▶ Depictions of how regulations and guidance accumulate as small businesses grow
- ▶ Traditional *Federal Register* analysis, including number of pages and proposed and final rule breakdowns by agency, and reconciliations with other reporting vehicles, such as numbers of rules new to the *Unified Agenda*; numbers that carry over from previous years
- ▶ Number of major rules reported on by the GAO in its database of reports on regulations
- ▶ Number and percentage of agency rules and guidance documents presented properly to Congress in accordance with the Congressional Review Act
- ▶ Assessment of rules that purportedly affect internal agency procedures alone
- ▶ Numbers and percentages of rules facing statutory or judicial deadlines that limit executive branch ability to restrain them, or for which weighing costs and benefits is statutorily prohibited
- ▶ Percentages of rules and guidance documents reviewed, and not reviewed, by the OMB, and any actions taken

Online databases like Regulations.gov make it far easier than in the pre-Internet era to explore regulatory trends and acquire information on rules. But more can be done to reinforce the foregoing reforms. Vital information should be summarized for the public, researchers, and Congress in annual regulatory transparency report cards and historical tables, components of which might resemble Box 2. Possible venues include the federal budget, the *Unified Agenda*, the *Economic Report of the President*, Regulations.gov, or as part of a resurrected Regulatory Program of the US Government.

Large-scale rules boast bewildering terminology, as do guidance documents.<sup>107</sup> Various terms each have their own boutique definitions and requirements, including significant, major and economically significant. A report card might inspire some consolidation and easier mapping between the *Unified Agenda*, the

GAO, and the *Federal Register*. In addition to revealing burdens, effects, and trends, a report card can illuminate what policymakers do not know or appreciate about the regulatory state, such as how few rules receive cost-benefit analyses that actually question the wisdom of injecting coercion into voluntary human affairs, rather than simply assuming its expansion.

Congress needs to take spending policy and regulatory policy alike seriously. It must emphasize regulatory oversight and transparency, and clamp down on guidance document abuse and other forms of regulatory dark matter that evade protections against rogue executive rulemaking. Congress must limit not only executive power, but its own as well. It has increasingly ignored those limits, though it does not have to be that way. Congress must mind its own business and establish regulatory guardrails that the executive branch cannot erode again.

# Appendices

**Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 1 of 6)**

RIN	Title of Rule	Billions of Dollars		
<b>DEPARTMENT OF AGRICULTURE</b>				
0581-AD82	(AMS) Establishment of a Domestic Hemp Program			0.021
	USDA 2020(b) increment	0.021		
0581-AD82	(AMS) Establishment of a Domestic Hemp Program			0.004
	USDA 2021 increment	0.004		
<b>TOTAL—Department of Agriculture</b>			<b>\$0.025</b>	<b>0</b>
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>				
2502-AJ59	Increased 40-year Term for Loan Modifications (FR-6263)			0.011
	HUD 2023 Increment	0.011		
<b>TOTAL—Department of Housing and Urban Development</b>			<b>0.011</b>	
<b>DEPARTMENT OF EDUCATION</b>				
1840-AD57	Gainful Employment			0.338
	Education 2023 Increment	0.338		
<b>TOTAL—Department of Education</b>			<b>0.338</b>	
<b>DEPARTMENT OF ENERGY</b>				
1904-AC11	(EE) Energy Conservation Standards for Manufactured Housing			\$0.247
1904-AE44	(EE) Energy Efficiency Standards for New Federal Commercial and Multi-Family High-Rise Residential Buildings Baseline Standards Update			-\$0.037
1904-AF09	(EE) Backstop Requirement for General Service Lamps			\$0.199
1904-AF22	(EE) Definitions for General Service Lamps			\$0.230
	Department of Energy 2022 increment	\$0.639		
	Department of Energy 2023			
1904-AD97	Energy Conservation Standards for Room Air Conditioners			\$0.220
1904-AF46	Energy Conservation Standards for Air Cleaners			\$0.021
1904-AD49	Energy Conservation Standards for Pool Heaters			\$0.079

**Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 2 of 6)**

RIN	Title of Rule	Billions of Dollars		
1904-AD20	Energy Cons Stds for Residential Non-Weatherized Gas Furnaces and Mobile Home Gas Furnaces			\$0.511
1904-AD34	Energy Conservation Standards for Commercial Water Heating-Equipment			\$0.072
1904-AF27	Energy Conservation Standards for Dedicated-Purpose Pool Pump Motors			\$0.221
1904-AE63	Energy Conservation Standards for Electric Motors			\$0.066
	Department of Energy 2023 Increment	\$1.190		
<b>TOTAL—Department of Energy</b>			<b>\$1.829</b>	
<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>				
	HHS 2020(b)			
0955-AA01	(ONC & CMS) Interoperability and Patient Access (CMS-9115-F)			\$0.138
0938-AT79	(ONC & CMS) 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program			\$1.027
	HHS 2020(b) increment	\$1.165		
	HHS 2021			
0938-AT97	(CMS) Contract Year 2022 Policy and Technical Changes to the Medicare Advantage Program, Medicare Prescription Drug Benefit Program, Medicaid Program, Medicare Cost Plan Program, and PACE (CMS-4190)			\$0.025
0938-AU02	(CMS) Organ Procurement Organizations (OPOs) (CMS-3380)			\$0.012
0955-AA02	(ONC) Information Blocking and the ONC Health IT Certification Program: Extension of Compliance Dates and Timeframes in Response to the COVID-19 Public Health Emergency			-\$0.057
	HHS 2021 increment	-\$0.020		
	HHS 2022			
0910-AI21	(FDA) Medical Devices; Ear, Nose and Throat Devices; Establishing Over-the-Counter Hearing Aids and Aligning Other Regulations			\$0.001
0970-AC90	(ACF) Head Start COVID-19 Vaccine Mandate			\$0.055

**Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 3 of 6)**

RIN	Title of Rule	Billions of Dollars		
	HHS 2022 increment	\$0.056		
	HHS 2023			
0910-AI44	Requirements For Additional Traceability Records For Certain Foods			\$0.695
0910-AH04	Mammography Quality Standards Act			\$0.041
	HHS 2023 Increment	\$0.736		
<b>TOTAL—Department of Health and Human Services</b>			<b>\$1.937</b>	<b>\$0.000</b>

**DEPARTMENT OF TRANSPORTATION**

	DOT 2020(b)			
2126-AC25	(FMCSA) Extension of Compliance Date for Entry Level Driver Training			-\$0.226
2127-AL76	(NHTSA) The Safer Affordable Fuel-Efficient (Safe) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks			-\$16.599
	DOT 2020(b) increment	-\$16.825		
	DOT 2022			
2127-AK95	(NHTSA) Establish Side Impact Performance Requirements for Child Restraint Systems (MAP-21)			\$0.008
2127-AM06	(NHTSA) Occupant Protection for Automated Driving Systems			\$0.069
2127-AM34	(NHTSA) Passenger Car and Light Truck Corporate Average Fuel Economy Standards			\$7.954
	DOT 2022 increment	\$8.031		
	DOT 2023			
2105-AE89	Accessible Lavatories on Single-Aisle Aircraft: Part II			\$0.229
	DOT 2023 increment	\$0.229		
<b>TOTAL—Department of Transportation</b>			<b>-\$8.565</b>	<b>\$0.000</b>

**DEPARTMENT OF TRANSPORTATION & ENVIRONMENTAL PROTECTION AGENCY**

	Engines and Vehicles—Phase 2; Fuel Efficiency Standards for Medium- and Heavy-Duty			
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**Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 4 of 6)**

RIN	Title of Rule	Billions of Dollars		
	Vehicles and Work Trucks: Phase 2 (\$1,500cost; 2015\$)			0
<b>TOTAL—Department of Transportation and EPA</b>				<b>0</b>
<b>DEPARTMENT OF THE INTERIOR</b>				
<b>TOTAL—Department of the Interior</b>				<b>0</b>
<b>ACCESS BOARD—ATBCB</b>				
3014-AA37	Information and Communication Technology Standards and Guidelines (\$291m; 2016\$)			0
3014-AA26	Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way			0.211
	Access Board Increment 2023	\$0.211		
<b>TOTAL—ATBCB</b>			<b>\$0.211</b>	<b>0</b>
<b>DEPARTMENT OF HOMELAND SECURITY</b>				
1615-AC64	(USCIS) Deferred Action for Childhood Arrivals			\$0.537
	DHS 2022 increment	\$0.537		
<b>Total—Department of Homeland Security</b>			<b>\$0.537</b>	
<b>DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT</b>				
<b>TOTAL—HUD</b>				<b>\$0.00</b>
<b>DEPARTMENT OF JUSTICE</b>				
1117-AB45	Partial Filling of Prescriptions for Schedule II Controlled Substances			\$0.013
	DOJ 2023 Increment	\$0.013		
<b>TOTAL—Department of Justice</b>			<b>\$0.013</b>	<b>\$0.00</b>
<b>DEPARTMENT OF LABOR</b>				
1210-AB06				\$0.000
<b>TOTAL—Department of Labor</b>				<b>\$0.000</b>

## Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 5 of 6)

RIN	Title of Rule	Billions of Dollars		
<b>ENVIRONMENTAL PROTECTION AGENCY</b>				
	EPA 2020(b)			
2040-AF75	(OW) Revised Definition of “Waters of the United States” (Step 2)			-\$0.126
2040-AF77	(OW) Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Reconsideration			-\$0.176
2060-AU48	(OAR) NESHAP: Coal- and Oil-Fired Electric Utility Steam Generating Units—Review of Acid Gas Standards for Certain Existing Eastern Bituminous Coal Refuse-Fired Units			-\$0.049
2060-AT54	(OAR) Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration			-\$0.132
	EPA 2020(b) increment:	-\$0.483		
	EPA 2021			
2040-AF15	(OW) National Primary Drinking Water Regulations for Lead and Copper: Regulatory Revisions			\$0.201
2060-AU84	(OAR) Cross-State Air Pollution Rule (CSAPR) Update Remand for the 2008 Ozone NAAQS			\$0.030
2060-AV17	(OAR) Phase down of Hydrofluorocarbons Under the American Innovation and Manufacturing Act			-\$0.559
2070-AK50	(OCSP) Review of Dust-Lead Post-Abatement Clearance Levels			\$0.003
	EPA 2021 Increment	(\$0.325)		
	EPA 2022			
2008-AA03	(RODENVER) Federal Implementation Plan for Oil and Natural Gas Sources; Uintah and Ouray Indian Reservation in Utah			\$0.100
2060-AU20	(OAR) National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters: Amendments			\$0.053
2060-AV11	(OAR) Renewable Fuel Standard (RFS) Program: RFS Annual Rules			\$3.907

**Appendix A. Estimated Incremental Annual Costs of Regulations in the 2020s (subset of final major rules for which OMB presented BOTH costs & benefits) (page 6 of 6)**

RIN	Title of Rule	Billions of Dollars	
2060-AV13	(OAR) Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards		\$16.138
	EPA 2022 increment	\$20.198	
	EPA 2023		
2060-AV45	Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 & Later Yrs		\$0.030
2060-AV14	Volume Requirements for 2023 and Beyond Under the Renewable Fuel Standard Program		\$8.189
2060-AV51	Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards		\$0.925
2060-AU41	Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards		\$4.483
	Restrictions on Certain Uses of Hydrofluorocarbons Under Subsection (i) of the American Innovation and Manufacturing Act		-\$0.241
	EPA 2023 Increment	\$13.386	
<b>TOTAL–Environmental Protection Agency</b>			<b>\$32.776</b>
<b>GRAND TOTAL, ALL DEPARTMENTS AND AGENCIES, Third Decade</b>			<b>\$29.112</b>
			<b>\$29.112</b>

Source: OMB figures thru 2016 presented in 2001 dollars are here adjusted to 2013 by the change in the consumer price index (1.316) between 2001 and 2013, derived from "CPI Detailed Report Data for April 2014," Bureau of Labor Statistics, <http://www.bls.gov/cpi/cpid1404.pdf>, Washington, D.C., (Table 24. Historical Consumer Price Index for All Urban Consumers - (CPI-U), U.S. city average, All items.); Other post 2016 figures provided by OMB0938-AQ12 Administrative Simplification: Adoption of Authoring Organizations for Operating Rules and Adoption of Operating Rules for Eligibility and Claims Status (CMS-0032- IFC) from 2012 Report appeared to have been entered twice in the 2017 rounding appendix.

Note: While this table specifies the annual OMB Benefits and Costs report in which the rule appeared, the numbers from more recent editions (Table 1-6(a)) are used.

## Appendix B. Estimated Incremental Annual Costs of Major Rules in the 2020s, FY 2020-23 (subset for which OMB presented costs-only) (page 1 of 4)

OMB 2020(b), Table 1-6(b), 27 Rules (2022 \$ millions)		
ED 1870-AA14	Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance	\$14
HHS 0910-AI39	Required Warnings for Cigarette Packages and Advertisements	\$132
HHS 0938-AT68	CY 2020 Home Health Prospective Payment System Rate Update and Quality Reporting Requirements (CMS-1711-F)	\$196
HHS 0938-AU22	CY 2020 Hospital Outpatient PPS Policy Changes: Price Transparency Requirements for Hospitals to Make Standard Charges Public (CMS-1717-F2)	\$45
HHS 0938-AT53	Exchange Program Integrity (CMS-9922-F)	\$344
HHS 0938-AU33 <sup>^</sup>	Clinical Laboratory Improvement Amendments and Patient Protection and Affordable Care Act; Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency (CMS-3401)	\$870
HHS 0945-AA11	Nondiscrimination in Health and Health Education Programs or Activities	(\$285)
DOJ 1117-AB55	Implementation of the SUPPORT Act: Dispensing and Administering Controlled Substances for Medicated-Assisted Treatment	(\$653)
DOL 1205-AB85	Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations	\$54
DOL 1210-AB90	Default Electronic Disclosures by Employee Pension Benefit Plans Under ERISA	(\$414)
DOL 1210-AB20	Pension Benefit Statements—Disclosure Regarding Lifetime Income, SECURE Act	\$14
DOL 1235-AA26 <sup>^</sup>	Joint Employer Status Under the Fair Labor Standards Act	\$49
DOL 1235-AA35	Paid Leave Under the Families First Coronavirus Response Act	\$638
TREAS 1545-BP04	Qualified Opportunity Funds	\$0
DOC 0648-BB38 <sup>^</sup>	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico	\$35
CEQ 0331-AA03	Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act	(\$94)
DHS 1615-AC19	Removal of 30-Day Processing Provision for Asylum Applicant-Related Form I-765 Employment Authorization Applications	\$433
DHS 1615-AC27	Asylum Application, Interview, and Employment Authorization for Applicants	\$2,533

## Appendix B. Estimated Incremental Annual Costs of Major Rules in the 2020s, FY 2020-23 (subset for which OMB presented costs-only) (page 2 of 4)

EPA 2040-AF77	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category—Reconsideration	(\$176)
EPA 2060-AM75	Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act	(\$80)
DOT 2126-AC19	Hours of Service of Drivers	(\$315)
VA 2900-AQ48	Program of Comprehensive Assistance for Family Caregivers Amendments Under the VA MISSION Act of 2018	\$96
ED 1840-AD38	Ensuring Student Access to High Quality and Innovative Postsecondary Educational Programs	\$0
DoD 0750-AJ81	Defense Federal Acquisition Regulation Supplement: Assessing Contractor Implementation of Cybersecurity Requirements (DFARS Case 2019-D041)	\$7,819
FAR 9000-AN65	FAR Case 2018-004; Increased Micro-Purchase and Simplified Acquisition Thresholds	(\$243)
FAR 9000-AN92	FAR Case 2019-009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	\$6,483
FAR 9000-AN92	FAR Case 2019-009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment	(\$1,118)
<b>Fiscal year total:</b>		<b>\$16,377</b>

### OMB 2021), Table 1-6(b), 20 Rules (second column 2022 \$ millions)

DOC/ADMIN 0605-AA51	Securing the Information and Communications Technology and Services Supply Chain	\$11,599
DOC/NOAA 0648-BB38	Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Geophysical Surveys Related to Oil and Gas Activities in the Gulf of Mexico	\$35
DOC/NOAA 0648-BK51	Framework Adjustment 33 to the Atlantic Sea Scallop Fishery Management Plan	\$116
DOD/OS 0790-AK85	National Industrial Security Program Operating Manual (NISPOM)	\$17
HHS/OIG 0936-AA08	Removal of Safe Harbor Protection for Rebates to Plans or PBMs Involving Prescription Pharmaceuticals and Creation of New Safe Harbor Protection	\$425
HHS/CMS 0938-AU04	Transparency in Coverage (CMS-9915)	\$4,561
HHS/CMS 0938-AU12	CY 2021 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1736)	\$134

## Appendix B. Estimated Incremental Annual Costs of Major Rules in the 2020s, FY 2020-23 (subset for which OMB presented costs-only) (page 3 of 4)

HHS/CMS 0938-AU57	COVID-19 Vaccine Immunization Requirements for LTC Residents and Staff (CMS-3414)	\$178
HHS/CMS 0938-AU60	Patient Protection and Affordable Care Act; Updating Payment Parameters and Improving Health Insurance Markets for 2022 and Beyond (CMS-9906)	(\$300)
HHS/CMS 0938-AU63	Requirements Related to Surprise Billing; Part I (CMS-9909)	\$2,409
HHS/CMS 0938-ZB64	Basic Health Program; Federal Funding Methodology for Program Year 2022 (CMS-2438)	(\$270)
DOJ/DEA 1117-AB55	Implementation of the SUPPORT Act: Dispensing and Administering Controlled Substances for Medicated-Assisted Treatment	(\$653)
DOL/EBSA 1210-AC00	Requirements Related to Surprise Billing, Part 2	\$392
DOL/EBSA 1210-ZA29	Improving Investment Advice for Workers & Retirees Exemption	\$91
DOL/OSHA 1218-AD36	Subpart U – Emergency Temporary Standard – COVID-19	\$4,281
DOL/WHD 1235-AA34	Independent Contractor Status Under the Fair Labor Standards Act	\$502
TREAS/IRS 1545-BO67	Rules for Denial of Deduction for Certain Fines, Penalties, and Other Amounts	(\$84)
TREAS/IRS 1545-BO99	Section 4960 Excise Tax on Tax-Exempt Organization Compensation	\$4
DOT/FAA 2120-AK85	Operations of Small Unmanned Aircraft Over People	(\$88)
DOT/PHMSA 2137-AF36	Pipeline Safety: Gas Pipeline Regulatory Reform	(\$147)
<b>Fiscal year total:</b>		<b>\$23,202</b>

### OMB (2022), Table 1-6(b), 9 Rules (second column 2022 \$ millions)

USDA/FNS 0584-AE81	Child Nutrition Programs: Temporary Standards for Milk, Whole Grains, and Sodium	(\$928)
HHS/CMS 0938-AU65	HHS Notice of Benefit and Payment Parameters for 2023 (CMS-9911)	(\$127)
HHS/CMS 0938-AU66	Prescription Drug and Health Care Spending (CMS-9905)	\$392
HHS/CMS 0938-AU75	Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415)	\$1,543
DOL/WHD 1235-AA21	Tip Regulations Under the Fair Labor Standards Act (FLSA); Partial Withdrawal	\$208
TREAS/FINCEN 1506-AB49	Section 6403. Corporate Transparency Act	\$8,482
DHS/USCIS 1615-AC67	Procedures for Credible Fear Screening and Consideration of Asylum, Withholding of Removal and Cat Protection Claims by Asylum Officers	\$504

**Appendix B. Estimated Incremental Annual Costs of Major Rules in the 2020s, FY 2020-23 (subset for which OMB presented costs-only) (page 4 of 4)**

DHS/USCIS 1615-AC78	Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Renewal Applicants	(\$3,454)
DOT/FAA 2120-AL41	Flight Attendant Duty Period Limitations and Rest Requirements	\$72
<b>Fiscal year total:</b>		<b>\$6,692</b>
<b>OMB (2023), Table 1-6(b), 10 rules 2022 \$</b>		
HHS/CMS 0938-AU77	CY 2023 Home Health Prospective Payment System Rate Update and Home Infusion Therapy Services Payment Update (CMS-1766)	\$267
HHS/CMS 0938-AU97	HHS Notice of Benefit and Payment Parameters for 2024 (CMS-9899)	\$677
HHS/CMS 0938-AU75	Omnibus COVID-19 Health Care Staff Vaccination (CMS-3415)	(\$691)
DOJ/ATF 1140-AA55	Factoring Criteria for Firearms With an Attached Stabilizing Brace	\$286
DOL/EBSA 1210-AB97	Implement SECURE Act and Related Revisions to Employee Benefit Plan Annual Reporting on the Form 5500	(\$95)
EPA/OCSP 2070-AK67	TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances	\$802
EPA/OCSP 2070-AK99	Asbestos; Reporting and Recordkeeping Requirements Under the Toxic Substances Control Act	\$342
FAR 9000-AO13	Federal Acquisition Regulation (FAR); FAR Case 2020-011, Imple. of FASC Exclusion Orders	\$113
VA 2900-AR25	Presumptive Service Connection for Resp Conditions Due to Exposure to Particulate Matter	\$179
OPM 3206-AO43	Postal Service Health Benefits Program	\$56
<b>Fiscal year 2023 total:</b>		<b>\$1,936</b>
<b>FY 2020(b)-23 total check:</b>		<b>\$48,207</b>
<b>TOTAL: 2020s</b>		<b>\$48,207</b>

Source: OMB Draft Reports to Congress; OMB had issued two reports cover-dated 2020, first for FY2019; hence the “(b)” designation herein. Online updates at <http://tinyurl.com/ycyfzex6>.

Note: OMB “primary” estimate at 7 percent.

## Appendix C. A partial compilation of unmeasured and disregarded costs of federal intervention<sup>108</sup>

### I. Unmeasured costs of shortcomings in Administrative Procedure Act oversight

#### A. RULE COST CATEGORIES PRONE TO ESCAPING MEASUREMENT AND DISCLOSURE

- ▶ Costs of high-significance rules that agencies do not classify as such
- ▶ Costs of independent agency regulations
- ▶ Costs of unfunded mandates on states and localities
- ▶ Costs of interpretive rules and guidance documents
- ▶ Indirect costs
- ▶ Jobs lost and not created because of regulation<sup>109</sup>

#### B. PROCESS/OVERSIGHT SHORTCOMINGS GENERATING UNKNOWN FINANCIAL AND SOCIETAL COSTS<sup>110</sup>

- ▶ Costs of abandonment of formal rulemaking
- ▶ Costs of agencies' failure to issue a notice of proposed rulemaking for a significant portion of rules
- ▶ Costs of agency-gamed notice-and-comment processes
- ▶ Costs of agencies' undermining the Congressional Review Act by failing to submit final rules to Congress and to the Government Accountability Office for consideration
- ▶ Costs of pro-regulatory bias

- ▶ Costs of economically disruptive policy uncertainty
- ▶ Costs of regulation by sue-and-settle agreements
- ▶ Costs of regulatory accumulation
- ▶ Costs of differential effects of rules on businesses

### II. Unmeasured costs of the loss of liberty<sup>111</sup>

- ▶ Costs of regulatory takings and property value destruction<sup>112</sup>
- ▶ Costs of abandoning negative rights for a positive rights framework that treats citizens unequally under the law<sup>113</sup>
- ▶ Costs of delegation of lawmaking power to the executive branch and to unelected administrators<sup>114</sup>
- ▶ Costs of lack of agency accountability to Congress through agency self-funding<sup>115</sup>
- ▶ Costs of normalizing dependency
- ▶ Costs of imposing regulation based on secret or creatively leveraged data<sup>116</sup>
- ▶ Costs of abandoned federalism<sup>117</sup>
- ▶ Costs of overcriminalization<sup>118</sup>
- ▶ Costs of loss of anonymity owing to state surveillance<sup>119</sup>

### III. Costs of spending and legislative programs with sweeping regulatory effect

- ▶ Costs of top-down national plans, agendas, and treaties<sup>120</sup>

- ▶ Costs of distortions created by ordinary federal spending, subsidies, and stimulus<sup>121</sup>
- ▶ Costs of deadweight effects of federal spending<sup>122</sup>
- ▶ Costs and distortions of government spending to steer investment in science and technology

#### IV. Costs of the derailment of market institutions

- ▶ Costs of the false presumption of agency expertise<sup>123</sup>
- ▶ Costs of disregard of government failure
- ▶ Costs of interference with price, distribution, and access mechanisms
- ▶ Costs of antitrust regulation and the institutionalization of raising competitors' costs<sup>124</sup>
- ▶ Costs of blurring corporate and government roles with government-sponsored enterprises and public-private partnerships<sup>125</sup>
- ▶ Costs of government steering by direct ownership or control of resources<sup>126</sup>

- ▶ Costs of eroded property rights, and failure to extend them into new sectors
- ▶ Costs of regulatory public utility, siloed-infrastructure models
- ▶ Costs of top-down approaches to environmental amenities and concerns<sup>127</sup>
- ▶ Costs of permission-seeking and excessive occupational licensing
- ▶ Costs of cronyism through rent-seeking<sup>128</sup>
- ▶ Costs of permanent bureaucracy<sup>129</sup>

#### V. Costs of lethality

- ▶ Costs of the precautionary principle and the derailment of normal evolutionary risk-management innovation
- ▶ Costs of selective expression of benefits
- ▶ Costs of wealth and health loss induced by regulation
- ▶ Health costs of rent-seeking
- ▶ Costs of undermining markets in information

## Appendix D. *Federal Register* Page History (1936-2025) (page 1 of 3)

Year	Unadjusted Page Count	Jumps/Blanks	Adjusted Page Count
1936	2,620	(n/a)	2,620
1937	3,450	n/a	3,450
1938	3,194	n/a	3,194
1939	5,007	n/a	5,007
1940	5,307	n/a	5,307
1941	6,877	n/a	6,877
1942	11,134	n/a	11,134
1943	17,553	n/a	17,553
1944	15,194	n/a	15,194
1945	15,508	n/a	15,508
1946	14,736	n/a	14,736
1947	8,902	n/a	8,902
1948	9,608	n/a	9,608
1949	7,952	n/a	7,952
1950	9,562	n/a	9,562
1951	13,175	n/a	13,175
1952	11,896	n/a	11,896
1953	8,912	n/a	8,912
1954	9,910	n/a	9,910
1955	10,196	n/a	10,196
1956	10,528	n/a	10,528
1957	11,156	n/a	11,156
1958	10,579	n/a	10,579
1959	11,116	n/a	11,116
1960	14,479	n/a	14,479
1961	12,792	n/a	12,792
1962	13,226	n/a	13,226
1963	14,842	n/a	14,842
1964	19,304	n/a	19,304
1965	17,206	n/a	17,206
1966	16,850	n/a	16,850

## Appendix D. *Federal Register* Page History (1936-2025) (page 2 of 3)

Year	Unadjusted Page Count	Jumps/Blanks	Adjusted Page Count
1967	21,088	n/a	21,088
1968	20,072	n/a	20,072
1969	20,466	n/a	20,466
1970	20,036	n/a	20,036
1971	25,447	n/a	25,447
1972	28,924	n/a	28,924
1973	35,592	n/a	35,592
1974	45,422	n/a	45,422
1975	60,221	n/a	60,221
1976	57,072	6,567	50,505
1977	65,603	7,816	57,787
1978	61,261	5,565	55,696
1979	77,498	6,307	71,191
1980	87,012	13,754	73,258
1981	63,554	5,818	57,736
1982	58,494	5,390	53,104
1983	57,704	4,686	53,018
1984	50,998	2,355	48,643
1985	53,480	2,978	50,502
1986	47,418	2,606	44,812
1987	49,654	2,621	47,033
1988	53,376	2,760	50,616
1989	53,842	3,341	50,501
1990	53,620	3,825	49,795
1991	67,716	9,743	57,973
1992	62,928	5,925	57,003
1993	69,688	8,522	61,166
1994	68,108	3,194	64,914
1995	67,518	4,873	62,645
1996	69,368	4,777	64,591
1997	68,530	3,981	64,549

## Appendix D. *Federal Register* Page History (1936-2025) (page 3 of 3)

Year	Unadjusted Page Count	Jumps/Blanks	Adjusted Page Count
1998	72,356	3,785	68,571
1999	73,880	2,719	71,161
2000	77,219	6,070	71,149
2001	62,684	1,311	61,373
2002	73,882	1,470	72,412
2003	70,177	2,464	67,713
2004	74,070	1,790	72,280
2005	74,181	3,760	70,421
2006	73,123	1,209	71,914
2007	71,483	1,221	70,262
2008	80,048	1,083	78,965
2009	69,677	944	68,733
2010	82,586	1,077	81,509
2011	82,421	1,061	81,360
2012	77,250	965	76,285
2013	80,459	1,015	79,444
2014	79,065	981	78,084
2015	82,036	1,072	80,964
2016	97,874	1,961	95,913
2017	61,950	636	61,314
2018	68,084	843	67,241
2019	72,566	840	71,726
2020	87,350	993	86,357
2021	74,532	761	73,771
2022	80,757	901	79,856
2023	90,402	1,034	89,368
2024	107,262	1,153	106,109
2025	61,584	667	60,917

Source: National Archives and Records Administration, Office of the *Federal Register*.

Notes: Publication of proposed rules was not required before the Administrative Procedures Act of 1946. Preambles to rules were published only to a limited extent before the 1970s.

### Appendix E. Number of Documents by Type Published in the Federal Register (1976-2025) (page 1 of 3)

Year	Final Rules	“Significant” subset	Proposed Rules	“Significant” subset	Other*	Total	Final Rule Pages	Average Pages Per Final Rule	Proposed Rule Pages	Average Pages Per Proposed Rule
1976	7,401		3,875		27,223	38,499	12,589	1.7	9,325	2.4
1977	7,031		4,188		28,381	39,600	14,572	2.1	9,620	2.3
1978	7,001		4,550		28,705	40,256	15,452	2.2	11,885	2.6
1979	7,611		5,824		29,211	42,646	19,366	2.5	18,091	3.1
1980	7,745		5,347		33,670	46,762	21,092	2.7	16,276	3.0
1981	6,481		3,862		30,090	40,433	15,300	2.4	10,433	2.7
1982	6,288		3,729		28,621	38,638	15,222	2.4	12,130	3.3
1983	6,049		3,907		27,580	37,536	16,196	2.7	12,772	3.3
1984	5,154		3,350		26,047	34,551	15,473	3.0	11,972	3.6
1985	4,843		3,381		22,833	31,057	15,460	3.2	13,772	4.1
1986	4,589		3,185		21,546	29,320	13,904	3.0	11,816	3.7
1987	4,581		3,423		22,052	30,056	13,625	3.0	14,181	4.1
1988	4,697		3,240		22,047	29,984	16,042	3.4	13,883	4.3
1989	4,714		3,194		22,218	30,126	16,489	3.5	13,220	4.1
1990	4,334		3,041		22,999	30,374	14,179	3.3	12,692	4.2
1991	4,416		3,099		23,427	30,942	16,792	3.8	16,761	5.4
1992	4,155		3,170		24,063	31,388	15,921	3.8	15,156	4.8
1993	4,369		3,207		24,017	31,593	18,016	4.1	15,410	4.8

## Appendix E. Number of Documents by Type Published in the Federal Register (1976-2025) (page 2 of 3)

Year	Final Rules	“Significant” subset	Proposed Rules	“Significant” subset	Other*	Total	Final Rule Pages	Average Pages Per Final Rule	Proposed Rule Pages	Average Pages Per Proposed Rule
1994	4,867		3,372		23,669	31,908	20,385	4.2	18,183	5.4
1995	4,713		3,339	222	23,133	31,185	18,047	3.8	15,982	4.8
1996	4,937	309	3,208	252	24,485	32,630	21,622	4.4	15,369	4.8
1997	4,584	267	2,881	226	26,260	33,725	18,984	4.1	15,309	5.3
1998	4,899	242	3,042	264	26,313	34,254	20,029	4.1	18,256	6.0
1999	4,684	232	3,281	335	26,074	34,039	20,201	4.3	19,447	5.9
2000	4,491	290	2,724	254	25,464	32,679	24,423	5.4	14,698	5.4
2001	4,136	297	2,515	207	24,826	31,477	19,651	4.8	11,461	4.6
2002	4,173	282	2,635	306	25,738	32,546	19,236	4.6	15,518	5.9
2003	4,285	335	2,597	314	25,418	32,300	22,669	5.3	14,136	5.4
2004	4,176	320	2,427	296	25,314	31,917	22,755	5.4	16,110	6.6
2005	3,978	257	2,510	197	25,355	31,843	23,043	5.8	15,063	6.0
2006	3,730	163	2,343	212	25,026	31,099	22,335	6.0	16,666	7.1
2007	3,590	180	2,295	308	24,561	30,446	22,796	6.3	16,646	7.3
2008	3,819	428	2,412	380	25,275	31,506	26,327	6.9	18,058	7.5
2009	3,468	370	2,014	330	24,868	30,350	20,844	6.0	16,200	8.0
2010	3,564	424	2,445	443	26,178	32,187	24,861	7.0	21,623	8.8
2011	3,805	422	2,898	482	26,161	32,864	26,203	6.9	23,102	8.0

## Appendix E. Number of Documents by Type Published in the Federal Register (1976-2025) (page 3 of 3)

Year	Final Rules	“Significant” subset	Proposed Rules	“Significant” subset	Other*	Total	Final Rule Pages	Average Pages Per Final Rule	Proposed Rule Pages	Average Pages Per Proposed Rule
2012	3,708	353	2,518	257	24,377	30,603	24,628	6.6	20,170	8.0
2013	3,658	331	2,594	314	24,261	30,513	26,412	7.2	20,627	8.0
2014	3,543	308	2,401	380	23,971	29,915	25,186	7.1	20,723	8.6
2015	3,408	343	2,342	378	23,961	29,711	25,125	7.4	22,736	9.7
2016	3,854	487	2,419	369	24,557	30,830	38,639	10.0	21,455	8.9
2017	3,281	225	1,837	176	22,137	27,255	18,869	5.8	10,704	5.8
2018	3,368	200	2,097	292	22,025	27,490	18,214	5.4	17,224	8.2
2019	2,964	262	2,132	370	21,804	26,900	20,857	7.0	19,365	9.1
2020	3,352	434	2,149	341	22,480	27,981	32,220	9.6	19,984	9.3
2021	3,257	375	2,094	263	21,985	27,336	23,634	7.3	16,392	7.8
2022	3,168	264	2,044	234	22,505	27,717	21,750	6.9	23,791	11.6
2023	3,018	292	2,102	290	22,902	28,022	26,286	8.7	28,892	13.7
2024	3,248	342	1,769	180	25,506	30,523	45,028	13.9	19,952	11.3
2025	2,441	155	1,498	134	19,280	23,219	16,461	6.7	12,920	8.6

Source: Compiled by the author from the National Archives. Significant rule tallies from FederalRegister.gov online database. Prior years’ total final rules come from National Archives compilations maintained under “Federal Register Statistics” at <https://www.federalregister.gov/readers-aids/understanding-the-federal-register>.

Note: There continue to be periodic minor discrepancies between online Federal Register database and NARA pdf archive.

\*“Other” documents comprise presidential documents, agency notices, corrections and the like.

# Appendix F. Code of Federal Regulations History Page Counts and Number of Volumes (1975-2023) (page 1 of 2)

Year	Actual Pages Published (Includes text, preliminary pages, and tables)				Unrevised CFR Volumes**	Total Pages Complete CFR	Total CFR Volumes (excluding Index)
	Titles 1-5 (minus Title 3)	Title 3 (POTUS Docs)	Index*	Total Pages Published			
1975	69,704	296	792	70,792	432	71,224	133
1976	71,289	326	693	72,308	432	72,740	139
1977	83,425	288	584	84,297	432	84,729	141
1978	88,562	301	660	89,523	4,628	94,151	142
1979	93,144	438	990	94,572	3,460	98,032	148
1980	95,043	640	1,972	97,655	4,640	102,295	164
1981	103,699	442	1,808	105,949	1,160	107,109	180
1982	102,708	328	920	103,956	982	104,938	177
1983	102,892	354	960	104,206	1,448	105,654	178
1984	110,039	324	998	111,361	469	111,830	186
1985	102,815	336	1,054	104,205	1,730	105,935	175
1986	105,973	512	1,002	107,487	1,922	109,409	175
1987	112,007	374	1,034	113,415	922	114,337	185
1988	114,634	408	1,060	116,102	1,378	117,480	193
1989	118,586	752	1,058	120,396	1,694	122,090	196
1990	121,837	376	1,098	123,311	3,582	126,893	199
1991	119,969	478	1,106	121,553	3,778	125,331	199
1992	124,026	559	1,122	125,707	2,637	128,344	199
1993	129,162	498	1,141	130,801	1,427	132,228	202
1994	129,987	936	1,094	132,017	2,179	134,196	202
1995	134,471	1170	1,068	136,709	1,477	138,186	205
1996	129,386	622	1,033	131,041	1,071	132,112	204
1997	128,672	429	1,011	130,112	948	131,060	200
1998	132,884	417	1,015	134,316	811	135,127	201
1999	130,457	401	1,022	131,880	3,052	134,932	202
2000	133,208	411	1,019	134,638	3,415	138,053	202
2001	134,582	496	1,041	136,119	5,175	141,294	206

## Appendix F. Code of Federal Regulations History Page Counts and Number of Volumes (1975-2023) (page 2 of 2)

Year	Actual Pages Published (Includes text, preliminary pages, and tables)				Unrevised CFR Volumes**	Total Pages Complete CFR	Total CFR Volumes (excluding Index)
	Titles 1-5 (minus Title 3)	Title 3 (POTUS Docs)	Index*	Total Pages Published			
2002	137,373	1012	1,039	139,424	5,573	144,997	207
2003	139,550	420	1,053	141,023	3,153	144,176	214
2004	143,750	450	1,073	145,273	2,369	147,642	217
2005	146,422	401	1,083	147,906	4,365	152,271	221
2006	149,594	369	1,077	151,040	3,060	154,100	222
2007	149,236	419	1,088	150,743	5,258	156,001	222
2008	151,547	451	1,101	153,099	4,873	157,972	222
2009	158,369	410	1,108	159,887	3,440	163,327	225
2010	152,455	509	1,122	154,086	11,405	165,491	226
2011	159,129	485	1,094	160,708	8,544	169,252	230
2012	164,884	472	1,154	166,510	8,047	174,557	235
2013	166,352	518	1,170	168,040	7,454	175,494	235
2014	165,016	537	1,176	166,729	8,544	175,273	236
2015	170,278	496	1,244	172,018	6,334	178,352	237
2016	174,769	570	1,248	176,587	8,544	185,131	242
2017	178,628	846	1,264	180,738	5,730	186,468	242
2018	170,952	606	1,266	172,824	12,718	185,542	242
2019	172,022	1,091	1,253	174,366	11,700	186,066	242
2020	172,134	575	1,254	173,963	12,682	186,645	242
2021	180,495	788	1,275	182,558	5,785	188,343	245
2022	171,565	670	1,288	173,523	14,625	188,148	245
2023	172,972	909	1,304	175,185	15,442	190,627	245

Source: Chart from National Archives and Records Administration, Office of the *Federal Register*.

Note: CFR = Code of Federal Regulations; POTUS = president of the United States.

\*General Index and Finding Aids volume for 1975 and 1976.

\*\* Unrevised CFR Volumes page totals include those previous editions for which a cover only was issued during the year or any previous editions for which a supplement was issued.

## Appendix G. Executive Orders by Presidential Administration (through December 31, 2024) (page 1 of 2)

	Sequence Number		Total Number of EOs
	Ending	Beginning	
George Washington	n/a	n/a	8
John Adams	n/a	n/a	1
Thomas Jefferson	n/a	n/a	4
James Madison	n/a	n/a	1
James Monroe	n/a	n/a	1
John Quincy Adams	n/a	n/a	3
Andrew Jackson	n/a	n/a	12
Martin van Buren	n/a	n/a	10
William Henry Harrison	n/a	n/a	0
John Tyler	n/a	n/a	17
James K. Polk	n/a	n/a	18
Zachary Taylor	n/a	n/a	5
Millard Fillmore	n/a	n/a	12
Franklin Pierce	n/a	n/a	35
James Buchanan	n/a	n/a	16
Abraham Lincoln	n/a	n/a	48
Andrew Johnson	n/a	n/a	79
Ulysses S. Grant	n/a	n/a	217
Rutherford B. Hayes	n/a	n/a	92
James Garfield	n/a	n/a	6
Chester Arthur	n/a	n/a	96
Grover Cleveland-I	n/a	n/a	113
Benjamin Harrison	n/a	n/a	143
Grover Cleveland-II	n/a	n/a	140
William McKinley	n/a	n/a	185
Theodore Roosevelt	n/a	n/a	1,081
William Howard Taft	n/a	n/a	724
Woodrow Wilson	n/a	n/a	1,803
Warren G. Harding	n/a	n/a	522

## Appendix G. Executive Orders by Presidential Administration (through December 31, 2024) (page 2 of 2)

	Sequence Number		Total Number of EOs
	Ending	Beginning	
Calvin Coolidge	n/a	n/a	1,203
Herbert Hoover	6,070	5,075	996
Franklin D. Roosevelt	9,537	6,071	3,467
Harry S. Truman	10,431	9,538	894
Dwight D. Eisenhower	10,913	10,432	482
John F. Kennedy	11,127	10,914	214
Lyndon B. Johnson	11,451	11,128	324
Richard Nixon	11,797	11,452	346
Gerald R. Ford	11,966	11,798	169
Jimmy Carter	12,286	11,967	320
Ronald Reagan	12,667	12,287	381
George Bush	12,833	12,668	166
William J. Clinton	13,197	12,834	364
George W. Bush	13,488	13,198	291
Barack Obama	13,764	13,489	276
Donald Trump–I	13,984	13,765	220
Joe Biden	14,146	13,985	162
Donald Trump–II	14,371	14,147	225
<b>TOTAL NUMBER OF EXECUTIVE ORDERS</b>			<b>15,892</b>

Source: Author’s tabulations; Executive Orders Disposition Tables Index, Office of the *Federal Register*, National Archives, <http://www.archives.gov/federal-register/executive-orders/disposition.html>; “Executive Orders,” The American Presidency Project, ed. John T. Woolley and Gerhard Peters (Santa Barbara, CA: 1999–2014), <http://www.presidency.ucsb.edu/data/orders.php>.

Note: n/a = not applicable or not available.

## Appendix H. Number of Regulatory Reviews at Office of Information and Regulatory Affairs (OIRA) (1991–2025) (page 1 of 3)

Year	Pre-rule Reviews	Proposed Rule Reviews	Interim Final Rule Reviews	Final Rule Reviews	Notice Reviews	Total Reviews	ES/S3F1 Significant Reviews	Non-ES/S3F1 Significant Reviews	Average Days Review Time		
									Days ES Reviews	Days Non-ES Reviews	Overall Average Days
1991		1,201		1,322		2,523	142	2,381	39	29	29
1992		970		1,315		2,285	121	2,164	44	39	39
1993	2	976	6	1,155	28	2,167	106	2,061	53	42	43
1994	16	317	68	302	128	831	134	697	33	30	31
1995	8	225	64	270	53	620	74	546	41	35	35
1996	28	160	56	232	31	507	74	433	39	42	42
1997	20	196	64	174	51	505	81	424	47	54	53
1998	15	192	58	182	40	487	73	414	33	50	48
1999	19	247	71	214	36	587	86	501	51	53	53
2000	13	210	66	253	40	582	92	490	60	62	62
2001	9	274	95	285	37	700	111	589	46	60	58
2002	23	261	81	249	55	669	100	569	44	46	46
2003	23	232	92	309	59	715	101	614	42	50	49
2004	26	237	64	241	58	626	85	541	35	55	53
2005	18	221	66	247	59	611	82	529	39	59	57

**Appendix H. Number of Regulatory Reviews at Office of Information and Regulatory Affairs (OIRA)  
(1991–2025) (page 2 of 3)**

Year	Pre-rule Reviews	Proposed Rule Reviews	Interim Final Rule Reviews	Final Rule Reviews	Notice Reviews	Total Reviews	ES/S3F1 Significant Reviews	Non-ES/S3F1 Significant Reviews	Average Days Review Time		
									Days ES Reviews	Days Non-ES Reviews	Overall Average Days
2006	12	229	43	270	46	600	71	529	34	59	56
2007	22	248	44	250	25	589	85	504	49	64	61
2008	17	276	39	313	28	673	135	538	53	63	61
2009	28	214	67	237	49	595	125	470	33	40	39
2010	36	261	84	232	77	690	138	552	48	51	51
2011	24	317	76	262	61	740	117	623	51	60	58
2012	12	144	33	195	40	424	83	341	69	81	79
2013	11	177	33	160	37	418	104	314	121	143	137
2014	17	201	43	144	46	452	114	338	106	134	127
2015	8	178	29	164	35	415	130	285	84	90	88
2016	14	231	28	303	45	623	156	467	83	79	80
2017	13	84	12	103	24	237	70	167	56	74	68
2018	25	168	11	124	32	360	91	269	63	68	67
2019	26	234	25	147	41	474	117	357	77	80	79
2020	14	213	77	257	104	669	199	470	57	75	70
2021	30	170	58	173	72	503	172	331	58	60	59

## Appendix H. Number of Regulatory Reviews at Office of Information and Regulatory Affairs (OIRA) (1991–2025) (page 3 of 3)

Year	Pre-rule Reviews	Proposed Rule Reviews	Interim Final Rule Reviews	Final Rule Reviews	Notice Reviews	Total Reviews	ES/S3F1 Significant Reviews	Non-ES/S3F1 Significant Reviews	Average Days Review Time		
									Days ES Reviews	Days Non-ES Reviews	Overall Average Days
2022	18	191	24	147	103	485	161	324	75	72	73
2023	19	236	24	177	119	575	60	515	77	74	74
2024	12	139	30	307	64	554	0	554		81	81
2025	33	183	41	133	58	449	98	351	40	89	78

Source: Author search on RegInfo.gov, “Review Counts” database search engine under Regulatory Review heading. There were 172 S3F1 reviews in 2024.

Note: ES = economically significant.

## Appendix I. Unified Agenda Rules History (1983-present)

1980s*			1990s*			2000s		
1983	April	2,863	1990	April	4,332	2000	October	4,699
	October	4,032		October	4,470	2001	October	4,509
1984	April	4,114	1991	April	4,675	2002	October	4,187
	October	4,016		October	4,863	2003	December	4,266
1985	April	4,265	1992	April	4,186	2004	December	4,083
	October	4,131		October	4,909	2005	October	4,062
1986	April	3,961	1993	April	4,933	2006	December	4,052
	October	3,983		October	4,950	2007	December	3,882
1987	April	4,038	1994	April	5,105	2008	December	4,004
	October	4,005		October	5,119	2009	December	4,043
1988	April	3,941	1995	April	5,133	2020s		
	October	4,017		October	4,735			
1989	April	4,003	1996	April	4,570	2020	December	3,852
	October	4,187		October	4,680	2021	December	3,772
2010s			1997	April	4,417	2022	Jan. 4, 2023	3,690
2010	December	4,225		October	4,407	2023	Dec. 6, 2023	3,599
2011	December	4,128	1998	April	4,504	2024	Dec. 13, 2024	3,331
2012	Year-End*	4,062		October	4,560	2025^	Sept. 2025	3,816
2013	November	3,305	1999	April	4,524			
2014	November	3,415		October	4,568			
2015	November	3,297						
2016	November	3,318						
2017	December	3,209						
2018	October	3,534						
2019	October	3,752						

Sources: Compiled from “The Regulatory Plan and Unified Agenda of Federal Regulatory and Deregulatory Actions,” *Federal Register*, various years’ editions; also from online edition at <http://www.reginfo.gov>.

\*80s and 90s include Spring edition. Spring edition skipped in 2012 (not shown).

^Spring Agenda only in 2025

## Appendix J. Inventory of 203 economically significant active and long-term rules in the pipeline (from spring 2025 *Unified Agenda of Federal Regulations*)

Source: Compiled by C. W. Crews from the *Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions*, <http://www.reginfo.gov>.

Note: The “Regulation Identifier Number” or RIN appears at the end of each entry below. For additional information, see “How to Use the Unified Agenda,” [http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/UA\\_HowTo.jsp](http://www.reginfo.gov/public/jsp/eAgenda/StaticContent/UA_HowTo.jsp).

### ACTIVE RULEMAKINGS (148 Actions)

#### DEPARTMENT OF AGRICULTURE

1. USDA/AgSEC, Final Rule Stage, USDA NEPA Amending Regulations, 0503-AA86
2. USDA/FSA, Final Rule Stage, Agricultural Disaster Indemnity Programs, 0560-AI72
3. USDA/FSA, Final Rule Stage, Supplemental Disaster Relief Program (SDRP) Stage 2, 0560-AI81
4. USDA/AMS, Proposed Rule Stage, National Bioengineered Food Disclosure Standard; Text Message Disclosures, 0581-AE24
5. USDA/FSIS, Proposed Rule Stage, Maximum Line Speed Rates for Young Chicken and Turkey Establishments Operating Under the New Poultry Inspection System, 0583-AE01
6. USDA/FSIS, Proposed Rule Stage, Maximum Line Speed under the New Swine Slaughter Inspection System, 0583-AE02

7. USDA/FNS, Proposed Rule Stage, Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program (SNAP), 0584-AE71
8. USDA/FNS, Proposed Rule Stage, SNAP: Reforming Categorical Eligibility, 0584-AF10

#### DEPARTMENT OF COMMERCE

9. DOC/PTO, Proposed Rule Stage, Setting and Adjusting Patent Fees, 0651-AD88

#### DEPARTMENT OF ENERGY

10. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Exempt Power Supplies Under the EPS Service Parts Act of 2014, 1904-AF80
11. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Commercial Prerinse Spray Valves, 1904-AF78
12. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards

- for Conventional Cooking  
Tops, 1904-AF81
13. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Conventional Ovens, 1904-AF82
  14. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Dehumidifiers, 1904-AF83
  15. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Microwave Ovens, 1904-AF84
  16. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Automatic Commercial Ice Makers, 1904-AF85
  17. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Battery Chargers, 1904-AF87
  18. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Commercial Clothes Washers, 1904-AF88
  19. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Compact Residential Clothes Washers, 1904-AF89
  20. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Faucets, 1904-AF91
  21. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers, 1904-AF92
  22. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for Residential Dishwashers, 1904-AF93
  23. DOE/EE, Proposed Rule Stage, Energy Conservation Program: Energy Conservation Standards for External Power Supplies, 1904-AF96
  24. DOE/EE, Proposed Rule Stage, Waiver of Federal Preemption of State Regulations Concerning the Water Use or Water Efficiency of Showerheads, Faucets, Water Closures and Urinals, 1904-AG08
  25. DOE/EE, Final Rule Stage, Energy Conservation Program: Energy Conservation Standards for Manufactured Housing; Enforcement Procedures, 1904-AF61
  26. DOE/OGC, Proposed Rule Stage, Zero-Based Regulating, 1990-AA54

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

27. HHS/FDA, Proposed Rule Stage, Registration of Commercial Importers of Drugs; Good Importing Practice, 0910-AI87
28. HHS/FDA, Proposed Rule Stage, Pediatric Study Plan Requirements for New Drug and Biologics License Applications, 0910-AI89

29. HHS/FDA, Proposed Rule Stage, Substances Generally Recognized as Safe, 0910-AJ02
30. HHS/FDA, Final Rule Stage, Protection of Human Subjects and Institutional Review Boards, 0910-AI07
31. HHS/FDA, Final Rule Stage, Institutional Review Boards; Cooperative Research, 0910-AI08
32. HHS/FDA, Final Rule Stage, Investigational New Drug Application Annual Reporting, 0910-AI37
33. HHS/FDA, Final Rule Stage, Front-of-Package Nutrition Labeling, 0910-AI80
34. HHS/FDA, Final Rule Stage, Medical Devices; Laboratory Developed Tests; Rescission, 0910-AJ05
35. HHS/CMS, Prerule Stage, Ensuring Safety through Domestic Security with Made in America Personal Protective Equipment (PPE) and Essential Medicine Procurement by Medicare Providers and Suppliers (CMS-1516), 0938-AV72
36. HHS/CMS, Proposed Rule Stage, CY 2026 Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Medicare Part B (CMS-1832), 0938-AV50
37. HHS/CMS, Proposed Rule Stage, CY 2026 Hospital Outpatient PPS Policy Changes and Payment Rates and Ambulatory Surgical Center Payment System Policy Changes and Payment Rates (CMS-1834), 0938-AV51
38. HHS/CMS, Proposed Rule Stage, CY 2026 Changes to the End-Stage Renal Disease (ESRD) Prospective Payment System and Quality Incentive Program (CMS-1830), 0938-AV52
39. HHS/CMS, Proposed Rule Stage, CY 2026 Home Health Prospective Payment System Rate and Durable Medical Equipment, Prosthetics, Orthotics, and Supplies Competitive Bidding Program Updates (CMS-1828), 0938-AV53
40. HHS/CMS, Proposed Rule Stage, Preserving Medicaid Funding for Vulnerable Populations – Closing a Health Care-Related Tax Loophole (CMS-2448), 0938-AV58
41. HHS/CMS, Proposed Rule Stage, HHS Notice of Benefit and Payment Parameters for 2027 (CMS-9883), 0938-AV62
42. HHS/CMS, Proposed Rule Stage, Contract Year 2027 Policy and Technical Changes to Medicare Advantage, Medicare Prescription Drug Benefit, Medicare Cost Plan, and Programs of All-Inclusive Care for the Elderly Programs (CMS-4212), 0938-AV63
43. HHS/CMS, Proposed Rule Stage, Medicaid Managed Care State Directed Payments and Medicaid Fee-For-Service Targeted Medicaid Practitioner Payments (CMS-2449), 0938-AV69
44. HHS/CMS, Proposed Rule Stage, Strengthening the Integrity of Medicaid and CHIP Eligibility,

- Managed Care, Financing and Section 1115 Demonstrations (CMS-2450), 0938-AV70
45. HHS/CMS, Final Rule Stage, Administrative Simplification: Adoption of Standards for Health Care Attachment Transactions and Electronic Signatures (CMS-0053), 0938-AT38
  46. HHS/CMS, Final Rule Stage, Independent Dispute Resolution Operations (CMS-9897), 0938-AV15
  47. HHS/CMS, Final Rule Stage, Contract Year 2026 Policy and Technical Changes to the Medicare Advantage, Medicare Prescription Drug Benefit, and Medicare Cost Plan Programs, and PACE (CMS-4208), 0938-AV40
  48. HHS/CMS, Final Rule Stage, Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals; the Long-Term Care Hospital Prospective Payment System; and FY 2026 Rates (CMS-1833), 0938-AV45
  49. HHS/CMS, Final Rule Stage, FY 2026 Skilled Nursing Facility (SNFs) Prospective Payment System and Consolidated Billing and Updates to the Value-Based Purchasing and Quality Reporting Programs (CMS-1827), 0938-AV47
  50. HHS/CMS, Final Rule Stage, FY 2026 Inpatient Rehabilitation Facility (IRF) Prospective Payment System Rate Update and Quality Reporting Program (CMS-1829), 0938-AV48
  51. HHS/CMS, Final Rule Stage, FY 2026 Hospice Wage Index, Payment Rate Update, and Quality Reporting Requirements (CMS-1835), 0938-AV49
  52. HHS/CMS, Final Rule Stage, CY 2026 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts (CMS-8089), 0938-AV54
  53. HHS/CMS, Final Rule Stage, Changes Under the Affordable Care Act of 2010; Giving States Additional Flexibility to Use Immigration Information to Determine State Residency for Medicaid and CHIP Eligibility (CMS-2349), 0938-AV71
  54. HHS/OCR, Final Rule Stage, HIPAA Security Rule to Strengthen the Cybersecurity of Electronic Protected Health Information, 0945-AA22
  55. HHS/ASTP/ONC, Proposed Rule Stage, Health Data, Technology, and Interoperability: ASTP/ONC Deregulatory Actions to Unleash Prosperity, 0955-AA09
  56. HHS/ACF, Proposed Rule Stage, Restoring Flexibility to the Child Care and Development Fund (CCDF), 0970-AD20

## DEPARTMENT OF HOMELAND SECURITY

57. DHS/USCIS, Proposed Rule Stage, Employment Authorization Reform for Asylum Applicants, 1615-AC97

- 58. DHS/USCIS, Proposed Rule Stage, Clarification of Discretionary Employment Authorization for Certain Alien Populations, 1615-AC98
- 59. DHS/USCIS, Proposed Rule Stage, Collection and Use of Biometrics by U.S. Citizenship and Immigration Services, 1615-AC99
- 60. DHS/USCIS, Proposed Rule Stage, Weighted Selection Process for Registrants and Petitioners Seeking To File Cap-Subject H-1B Petitions, 1615-AD01
- 61. DHS/USICE, Proposed Rule Stage, Establishing a Fixed Time Period of Admission and an Extension of Stay Procedure for Nonimmigrant Academic Students, Exchange Visitors, and Representatives of Foreign Information Media, 1653-AA95
- 62. DHS/CISA, Final Rule Stage, Cyber Incident Reporting for Critical Infrastructure Act (CIRCA) Reporting Requirements, 1670-AA04

## DEPARTMENT OF THE INTERIOR

- 63. DOI/BOEM, Proposed Rule Stage, Risk Management and Financial Assurance for Outer Continental Shelf Lease and Grant Obligations, 1010-AE26
- 64. DOI/BSEE, Proposed Rule Stage, Revisions to Subpart J-Pipelines and Pipeline Rights-of-Way, 1014-AA45
- 65. DOI/FWS, Proposed Rule Stage, Migratory Bird Hunting; 2026-27

Migratory Game Bird Hunting Regulations, 1018-BI69

- 66. DOI/FWS, Final Rule Stage, Migratory Bird Hunting; 2025-26 Migratory Game Bird Hunting Regulations, 1018-BH65

## DEPARTMENT OF LABOR

- 67. DOL/ETA, Proposed Rule Stage, Apprenticeship Programs, Reducing Equal Employment Opportunity Regulatory Burden, 1205-AC21
- 68. DOL/EBSA, Proposed Rule Stage, Default Electronic Disclosures by Employee Welfare Benefit Plans Under ERISA, 1210-AC35
- 69. DOL/EBSA, Final Rule Stage, Independent Dispute Resolution Operations, 1210-AC17
- 70. DOL/EBSA, Final Rule Stage, Exemption for Certain Automatic Portability Transactions, 1210-AC21
- 71. DOL/EBSA, Final Rule Stage, Investment Advice Fiduciary Under ERISA, 1210-AC36
- 72. DOL/EBSA, Final Rule Stage, Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights, 1210-AC37
- 73. DOL/OSHA, Proposed Rule Stage, Emergency Response, 1218-AC91
- 74. DOL/OSHA, Proposed Rule Stage, removal of 1910 Subpart U (COVID-19 in Healthcare Settings), 1218-AD36
- 75. DOL/OSHA, Proposed Rule Stage, Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, 1218-AD39

76. DOL/WHD, Proposed Rule Stage, Employee or Independent Contractor Classification Under the Fair Labor Standards Act, 1235-AA46
77. DOL/WHD, Proposed Rule Stage, Joint Employer Status Under the Fair Labor Standards Act, 1235-AA48
78. DOL/WHD, Proposed Rule Stage, Application of the Fair Labor Standards Act to Domestic Service, 1235-AA55
79. DOL/WHD, Final Rule Stage, Non-displacement of Qualified Workers Under Service Contracts; Rescission of Regulations, 1235-AA45
80. DOL/WHD, Final Rule Stage, Increasing the Minimum Wage for Federal Contractors; Rescission of Regulations, 1235-AA49
81. DOL/OFCCP, Proposed Rule Stage, Rescission of Executive Order 11246 Implementing Regulations, 1250-AA17
85. DOT/NHTSA, Prerule Stage, Rear Designated Seating Position Alert, 2127-AM49
86. DOT/NHTSA, Prerule Stage, Advanced Impaired Driving Technology, 2127-AM50
87. DOT/NHTSA, Prerule Stage, Side Underride Guards on Trailers and Semitrailers, 2127-AM54
88. DOT/NHTSA, Proposed Rule Stage, Pedestrian Safety Global Technical Regulation, 2127-AK98
89. DOT/NHTSA, Proposed Rule Stage, Rear Seat Belt Reminder System, 2127-AL37
90. DOT/NHTSA, Proposed Rule Stage, Heavy Vehicle Automatic Emergency Braking, 2127-AM36
91. DOT/NHTSA, Proposed Rule Stage, Corporate Average Fuel Economy Standards Amendment, 2127-AM76
92. DOT/PHMSA, Final Rule Stage, Pipeline Safety: Class Location Requirements, 2137-AF29

## DEPARTMENT OF STATE

82. STATE, Final Rule Stage, Passports: Online Passport Renewal, 1400-AF97

## DEPARTMENT OF TRANSPORTATION

83. DOT/OST, Proposed Rule Stage, Increasing Flexibility on Disclosure of Airline Ancillary Fees, 2105-AF34
84. DOT/FMCSA, Proposed Rule Stage, Heavy Vehicle Automatic Emergency Braking, 2126-AC49

## DEPARTMENT OF THE TREASURY

93. TREAS/FINCEN, Final Rule Stage, Anti-Money Laundering and Countering the Financing of Terrorism Programs, 1506-AB52
94. TREAS/FINCEN, Final Rule Stage, Beneficial Ownership Information Reporting Requirement, 1506-AB67

## DEPARTMENT OF VETERANS AFFAIRS

95. VA, Final Rule Stage, Extending Deadline for Debtor to Request a Waiver, 2900-AS18

96. VA, Final Rule Stage, Schedule for Rating Disabilities; Mental Disorders, 2900-AQ82
97. VA, Final Rule Stage, Presumptive Service Connection for Leukemias, Multiple Myelomas, Myelodysplastic Syndromes, and Myelofibrosis Due to Exposure to Fine Particulate Matter, 2900-AS27
98. VA, Final Rule Stage, Reimbursement for Emergency Treatment, 2900-AQ08
99. VA, Final Rule Stage, Supportive Services for Veteran Families, 2900-AR15
100. VA, Final Rule Stage, Amendments to the Program of Comprehensive Assistance for Family Caregivers, 2900-AR96

## ENVIRONMENTAL PROTECTION AGENCY

101. EPA/OW, Final Rule Stage, Water Quality Standards to Protect Aquatic Life in the Delaware River, 2040-AG30
102. EPA/OAR, Proposed Rule Stage, Renewable Fuel Standard (RFS) Program: Set 2, 2060-AW23
103. EPA/OAR, Proposed Rule Stage, National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Technology Review Reconsideration, 2060-AW53
104. EPA/OAR, Proposed Rule Stage, Repeal of Greenhouse Gas Emissions Standards for Fossil Fuel Fired Electric Generating Units, 2060-AW55
105. EPA/OAR, Proposed Rule Stage, Repeal of Amendments to National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units, 2060-AW68
106. EPA/OAR, Proposed Rule Stage, Greenhouse Gas Endangerment Finding and Motor Vehicle Emission Standards Reconsideration, 2060-AW71
107. EPA/OAR, Proposed Rule Stage, Aircraft Greenhouse Gas Endangerment Finding and Aircraft Greenhouse Gas Standards Reconsideration, 2060-AW85
108. EPA/OAR, Final Rule Stage, New Source Performance Standards (NSPS) and Emission Guidelines (EG) for Large Municipal Waste Combustors (MWCs), 2060-AO18
109. EPA/OAR, Final Rule Stage, Extension of Deadlines in Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review, 2060-AW61
110. EPA/OAR, Final Rule Stage, National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review: Interim Final Rule, 2060-AW69
111. EPA/OCSPP, Proposed Rule Stage, Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting

and Recordkeeping under the Toxic Substances Control Act (TSCA); Revision to Regulation, 2070-AL29

- 112. EPA/OCSPP, Final Rule Stage, N-Methylpyrrolidone (NMP); Regulation Under the Toxic Substances Control Act (TSCA), 2070-AK85

## COMMODITY FUTURES TRADING COMMISSION

- 113. CFTC, Proposed Rule Stage, Risk Management for Swap Dealers and Futures Commission Merchants; Amendments, 3038-AE59
- 114. CFTC, Proposed Rule Stage, Operational Resilience Framework for Certain Commission Registrants, 3038-AF23
- 115. CFTC, Proposed Rule Stage, Affiliations Requirements, 3038-AF42
- 116. CFTC, Final Rule Stage, Amendments to Appendices to Parts 43 and 45 Adding Supplemental Reporting Fields, 3038-AF26
- 117. CFTC, Final Rule Stage, Financial Data Transparency Act Joint Data Standards Rulemaking, 3038-AF43

## FEDERAL ACQUISITION REGULATION

- 118. FAR, Final Rule Stage, Federal Acquisition Regulation (FAR); FAR Case 2019-009, Prohibition on Contracting With Entities Using Certain Telecommunications and Video Surveillance Services or Equipment, 9000-AN92

- 119. FAR, Final Rule Stage, Federal Acquisition Regulation (FAR); FAR Case 2021-017, Cyber Threat and Incident Reporting and Information Sharing, 9000-AO34

## FEDERAL DEPOSIT INSURANCE CORPORATION

- 120. FDIC, Proposed Rule Stage, Basel III Revisions: Amendments to the Capital Rule for Large Banking Organizations, 3064-AF29
- 121. FDIC, Proposed Rule Stage, Community Reinvestment Act Regulations, 3064-AG13

## FEDERAL ENERGY REGULATORY COMMISSION

- 122. FERC, Final Rule Stage, Building for the Future Through Electric Regional Transmission Planning and Cost Allocation, 1902-AG29

## FEDERAL RESERVE SYSTEM

- 123. FRS, Proposed Rule Stage, Regulation H, Q, and YY--Regulatory Capital Rules: Regulatory Capital, Enhanced Supplementary Leverage Ratio Standards for U.S. Global Systemically Important Bank Holding Companies (Docket No: R-1604), 7100-AF03
- 124. FRS, Proposed Rule Stage, Community Reinvestment Act, 7100-AG95

## FEDERAL TRADE COMMISSION

- 125. FTC, Final Rule Stage, Combating Auto Retail Scams Trade Regulation Rule, 3084-AB72

126. FTC, Final Rule Stage, Non-Compete Clause Rule, 3084-AB74

## NUCLEAR REGULATORY COMMISSION

127. NRC, Proposed Rule Stage, Increased Enrichment of Conventional and Accident Tolerant Fuel Designs for Light-Water Reactors [NRC-2020-0034], 3150-AK79
128. NRC, Proposed Rule Stage, Revision of Fee Schedules: Fee Recovery for FY 2026 [NRC-2023-0212], 3150-AL12

## PENSION BENEFIT GUARANTY CORPORATION

129. PBGC, Final Rule Stage, Actuarial Assumptions for Determining an Employer's Withdrawal Liability, 1212-AB54

## SECURITIES AND EXCHANGE COMMISSION

130. SEC, Prerule Stage, Asset-Backed Securities Registration and Disclosure Enhancements, 3235-AN52
131. SEC, Prerule Stage, Evaluating the Continued Effectiveness of the Consolidated Audit Trail, 3235-AN54
132. SEC, Proposed Rule Stage, Rule 144 Safe Harbor, 3235-AM78
133. SEC, Proposed Rule Stage, Crypto Assets, 3235-AN38
134. SEC, Proposed Rule Stage, Enhancement of Emerging Growth Company Accommodations and Simplification of Filer

Status for Reporting Companies, 3235-AN40

135. SEC, Proposed Rule Stage, Shelf Registration Modernization, 3235-AN41
136. SEC, Proposed Rule Stage, Updating the Exempt Offering Pathways, 3235-AN42
137. SEC, Proposed Rule Stage, Rationalization of Disclosure Practices, 3235-AN43
138. SEC, Proposed Rule Stage, Shareholder Proposal Modernization, 3235-AN47
139. SEC, Proposed Rule Stage, Amendments to Rule 17a-7 Under the Investment Company Act, 3235-AN45
140. SEC, Proposed Rule Stage, Amendments to the Custody Rules, 3235-AN46
141. SEC, Proposed Rule Stage, Transfer Agents, 3235-AL55
142. SEC, Proposed Rule Stage, Amendments to Broker-Dealer Financial Responsibility and Recordkeeping and Reporting Rules, 3235-AN48
143. SEC, Proposed Rule Stage, Crypto Market Structure Amendments, 3235-AN49
144. SEC, Proposed Rule Stage, Trade-Through Rule, 3235-AN50
145. SEC, Proposed Rule Stage, Definition of Dealer, 3235-AN51
146. SEC, Proposed Rule Stage, Enhanced Oversight for U.S. Government Securities Traded on Alternative Trading Systems, 3235-AN53

## SMALL BUSINESS ADMINISTRATION

147. SBA, Final Rule Stage, Disaster Loan Program Changes, 3245-AH80

## SOCIAL SECURITY ADMINISTRATION

148. SSA, Proposed Rule Stage, Improvements to the Disability Adjudication Process: Sequential Evaluation Process, 0960-AI67

## LONG-TERM ACTIONS (55 actions)

### DEPARTMENT OF AGRICULTURE

149. USDA/FNS, Supplemental Nutrition Assistance Program Requirement for Interstate Data Matching, 0584-AE75
150. USDA/FNS, Supplemental Nutrition Assistance Program: Implementing Statutory Changes and State Flexibility in Standard Utility Allowances, 0584-AF11
151. USDA/FNS, Amendment of definition of “eligible food” in the Supplemental Nutrition Assistance Program (SNAP), 0584-AF14

### DEPARTMENT OF COMMERCE

152. DOC/ADMIN, Securing the Information and Communications Technology and Services Supply Chain, 0605-AA51

### DEPARTMENT OF ENERGY

153. DOE/EE, Energy Conservation Standards for Dehumidifiers, 1904-AE61

154. DOE/EE, Energy Conservation Standards for Ceiling Fans, 1904-AE99

155. DOE/EE, Energy Conservation Standards for Expanded Scope Electric Motors, 1904-AF55

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

156. HHS/FDA, Medication Guide; Patient Medication Information, 0910-AH68
157. HHS/FDA, Good Manufacturing Practice for Cosmetic Product Facilities, 0910-AJ00
158. HHS/CMS, Strengthening Oversight of Accrediting Organizations (AO), Burden Reduction, and Related Provisions (CMS-3367), 0938-AU88
159. HHS/CMS, Cost Sharing Under the Affordable Care Act (CMS-9885), 0938-AV59

### DEPARTMENT OF HOMELAND SECURITY

160. DHS/USCIS, Securing the Border, 1615-AC92

### DEPARTMENT OF LABOR

161. DOL/EBSA, Cost Sharing Under the Affordable Care Act, 1210-AC29
162. DOL/OSHA, Process Safety Management and Prevention of Major Chemical Accidents, 1218-AC82
163. DOL/WHD, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees, 1235-AA39

## DEPARTMENT OF TRANSPORTATION

164. DOT/NHTSA, Fuel Efficiency Standards for Medium- and Heavy-Duty Vehicles, 2127-AM39

## DEPARTMENT OF VETERANS AFFAIRS

165. VA, Schedule for Rating Disabilities: Neurological Conditions and Convulsive Disorders, 2900-AQ73
166. VA, Updating VA Adjudication Regulations for Disability or Death Benefit Claims Related to Exposure to Certain Herbicide Agents, 2900-AR10
167. VA, Loan Guaranty: Revisions to VA-Guaranteed or Insured Interest Rate Reduction Refinancing Loans, 2900-AR58
168. VA, Updating VA Adjudication Regulations for Disability or Death Benefits Based on Toxic Exposure, 2900-AR75
169. VA, Presumptive Service Connection for Bladder, Ureter, and Related Genitourinary Cancers Due to Exposure to Fine Particulate Matter, 2900-AS21

## ENVIRONMENTAL PROTECTION AGENCY

170. EPA/OAR, Heavy-Duty Engine Nitrogen Oxide (NO<sub>x</sub>) Reevaluation, 2060-AW83

## FEDERAL DEPOSIT INSURANCE CORPORATION

171. FDIC, Long-term Debt Requirements for Large Bank Holding

Companies, Certain Intermediate Holding Companies of Foreign Banking Organizations, and Large Insured Depository Institutions, 3064-AF86

172. FDIC, Recordkeeping for Custodial Accounts, 3064-AG07

## SECURITIES AND EXCHANGE COMMISSION

173. SEC, Incentive-Based Compensation Arrangements, 3235-AL06

## SMALL BUSINESS ADMINISTRATION

174. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program, 3245-AH34
175. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program, 3245-AH35
176. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program--Additional Eligibility Criteria and Requirements for Certain Pledges of Loans, 3245-AH36
177. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program Requirements-Promissory Notes, Authorizations, Affiliation, and Eligibility, 3245-AH37
178. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program--Requirements--Disbursements, 3245-AH38
179. SBA, Business Loan Program Temporary Changes; Paycheck Protection

- Program--Requirements--Corporate Groups and Non-Bank and Non-Insured Depository Institution Lenders, 3245-AH39
180. SBA, Business Loan Program Temporary Changes; Paycheck Protection Program--Nondiscrimination and Additional Eligibility Criteria, 3245-AH40
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## Appendix K. Federal Workplace Regulation Affecting Growing Businesses

*Assumes nonunion, nongovernment contractor, with interstate operations and a basic employee benefits package. Includes general workforce-related regulation only. Omitted are categories such as (a) environmental and consumer product safety regulations and (b) regulations applying to specific types of businesses, such as mining, farming, trucking, or financial firms.*

### 1 EMPLOYEE

- ▶ Fair Labor Standards Act (overtime and minimum wage)
- ▶ Social Security matching and deposits
- ▶ Medicare, Federal Insurance Contributions Act
- ▶ Military Selective Service Act (allowing 90 days' leave for reservists, rehiring of discharged veterans)
- ▶ Equal Pay Act (no sex discrimination in wages)
- ▶ Immigration Reform Act (eligibility that must be documented)
- ▶ Federal Unemployment Tax Act (unemployment compensation)
- ▶ Employee Retirement Income Security Act (standards for pension and benefit plans)
- ▶ Occupational Safety and Health Act
- ▶ Polygraph Protection Act

### 4 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Immigration Reform Act (no discrimination with regard to national origin, citizenship, or intention to obtain citizenship)

### 15 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Civil Rights Act Title VII (no discrimination with regard to race, color, national origin, religion, or sex; pregnancy-related protections; record keeping)
- ▶ Americans with Disabilities Act (no discrimination, reasonable accommodations)
- ▶ Genetic Information Nondiscrimination Act (GINA) (prohibits genetic information discrimination)

### 20 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Age Discrimination Act (no discrimination on the basis of age against those 40 and older)
- ▶ Older Worker Benefit Protection Act (benefits for older workers to be commensurate with younger workers)
- ▶ Consolidated Omnibus Budget Reconciliation Act (continuation of medical benefits for up to 18 months upon termination)

### 25 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Health Maintenance Organization Act (HMO option required)
- ▶ Veterans' Reemployment Act (reemployment for persons returning from active, reserve, or National Guard duty)

### 50 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Family and Medical Leave Act (12 weeks of unpaid leave or care for newborn or ill family member)
- ▶ Affordable Care Act employer mandate

### 100 EMPLOYEES: ALL OF THE ABOVE, PLUS

- ▶ Worker Adjustment and Retraining Notification Act (60-day written notice of plant closing)—Civil Rights Act (annual EEO-1 form)
- ▶ Civil Rights Act (annual EEO-1 form)

## Appendix L. Government Accountability Office (GAO) Reports on Finalized Major Rules as Required by the Congressional Review Act (2025-2005) (page 1 of 5)

	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	
Architectural Barriers Compliance Board									1													
Consumer Financial Protection Bureau		1	1	4	4				3	2	2		5	1	1							
Commodity Futures Trading Commission										4		1	4	9	6							
Consumer Product Safety Commission			4												1	1					1	
Department of Agriculture		3	6	6	3	8	5	5	2	5	6	8	4	2	4	6	12	3	7	8		6
Department of Commerce				1	2	2	1	1	1				2				2	1	2			
Department of Defense			1		1	2	1		2	2	2	1				4	4	6				1
Department of Education		1	3	3	3	1	6		3	2	1	2	5	4	2	5	6	2	1	2		
Department of Energy			5	4		4		2	4	8	2	6	3	1	5	4	7	3	3			
Department of Health and Human Services		19	25	17	11	22	19	19	16	38	21	27	24	23	24	24	17	24	19	16		22
Department of Homeland Security		1	5	5	5	2	2	2		6	2	2	2	1	1	3	1	5	4	2		3

## Appendix L. Government Accountability Office (GAO) Reports on Finalized Major Rules as Required by the Congressional Review Act (2025-2005) (page 2 of 5)

	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
Department of Housing and Urban Development			1						1	2	1				2	1	1	2			1
Department of Justice			2			1		2		1				1	1	3				1	1
Department of Labor			3	3	8	4	2	1	2	8	1	3	3	3	2	6	1	2	3	3	1
Department of the Interior			4	3	2		4	5	3	6	6	6	6	7	6	7	7	10	5	6	6
Department of State			1		1			1						1		1		1			
Department of Transportation			1	3	4	3	1	2		6	2	3	3	2	2	5	6	8	3	1	3
Department of Treasury			2	6	11	16	13		2	5	7	7	3	2	1	4		1	1	1	
Department of Veterans Affairs			1	1	2	1	3	3	1	1	4	3	1	1	2	2	2		1		1
Emergency Oil & Gas Loan Board																					
Emergency Steel Guarantee Loan Board																					
Environmental Protection Agency			6	3	3			1	2	6	8	2	3	5	6	8	3	9	2	8	3

**Appendix L. Government Accountability Office (GAO) Reports on Finalized Major Rules as Required by the Congressional Review Act (2025-2005) (page 3 of 5)**

	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	
Equal Employment Opportunity Commission															1							
Federal Acquisition Regulation									1													
Federal Communications Commission			1	3	6			2			1	1	1					6	2	1	1	1
Federal Deposit Insurance Corporation			2		2				1	2		1	1									
Federal Election Commission																						
Federal Emergency Management Agency																						
Federal Energy Regulatory Commission				1						1			1									
Federal Housing Finance Agency			3	4	3																	
Federal Reserve System								1	2	2	2	1	1		3	6	6	2				
Federal Trade Commission																						1

**Appendix L. Government Accountability Office (GAO) Reports on Finalized Major Rules as Required by the Congressional Review Act (2025-2005) (page 4 of 5)**

	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
National Credit Union Administration										1	2	1									
National Labor Relations Board		1													1						
Nuclear Regulatory Commission		2	1				2	1	1	1	1	1	3	1	1	1	2	1	2	1	1
Office of Management and Budget																					
Office of Personnel Management		1						1					1								
Pension Benefit Guaranty Corp.		1	1	1	1					1											
Securities and Exchange Commission		9	2	12			5	1	10	6	5	5	5	4	8	9	7	7	5	3	4
Small Business Administration				6																	
Social Security Administration				1														2		2	1
(Unallocated independent agencies)						37	18														

## Appendix L. Government Accountability Office (GAO) Reports on Finalized Major Rules as Required by the Congressional Review Act (2025-2005) (page 5 of 5)

	2025	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	
Totals (prior years' GAO database iterations)		0	76	76	98	90	80	55	49	119	77	82	81	68	80	100	84	95	60	56	56	
AUDITS																						
Controlling Totals (using Jan 2026 search)	79	168	84	82	131	142	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	68
Controlling Totals (using Jan 2025 search)		168	84	81	131	142	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	68
Controlling Totals (using Jan 2024 search)			76	77	129	140	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	68
Controlling Totals (using Jan 2023 search)				76	129	140	78	54	71	105	71	87	65	76	78	100	93	84	55	53	68	68
<b>TOTAL MAJOR RULES</b>	<b>2168</b>	<b>1984</b>																				

Source: Chart compiled by Crews from GAO at <https://www.gao.gov/legal/other-legal-work/congressional-review-act>. (Employing Search fields as follows: Rule Type/Major; Rule priority/All; and "Rule Effective Date" (rather than "Date Received by GAO")

Note: Like some counts in the *Federal Register* database, prior years' rule counts may change in subsequent years

## Appendix M. The “Unconstitutionality Index”(1993-2025) (page 1 of 2)

Year	Final Rules	Public Laws	The Index	Other (Notices)	Executive Orders	Executive Memos
1993	4,369	210	21			
1994	4,867	255	19			
1995	4,713	88	54	23,133	41	
1996	4,937	245	20	24,485	50	
1997	4,584	153	30	26,260	38	
1998	4,899	241	20	26,313	38	
1999	4,684	170	28	26,074	35	
2000	4,313	410	11	25464	39	14
2001	4,132	108	38	24826	67	12
2002	4,167	269	15	25738	33	10
2003	4,148	198	21	25418	41	14
2004	4,101	300	14	25314	46	21
2005	3,943	161	24	25355	27	23
2006	3,718	308	12	25026	26	18
2007	3,595	188	19	24561	33	16
2008	3,830	285	13	25275	30	15
2009	3,503	125	28	24868	44	38
2010	3,573	221	16	26178	43	42
2011	3,807	118	32	26161	34	19
2012	3,708	157	24	24377	39	32
2013	3,659	117	31	24261	24	32
2014	3,554	224	16	23971	34	25
2015	3,410	115	30	23961	29	31
2016	3,853	213	18	24557	44	36
2017	3,281	98	33	22137	63	35
2018	3,368	313	11	22025	35	29
2019	2,964	137	22	21804	47	24
2020	3,353	177	19	22480	67	49
2021	3,257	143	23	21985	93	30
2022	3,168	247	13	22505	29	46

## Appendix M. The “Unconstitutionality Index”(1993-2025) (page 2 of 2)

Year	Final Rules	Public Laws	The Index	Other (Notices)	Executive Orders	Executive Memos
2023	3,018	68	44	22902	24	34
2024	3,248	175	19	25506	18	42
2025	2,441	133	18	19280	239	39

Sources: Final rules, notices, and executive orders compiled from database at National Archives and Records Administration, Office of the *Federal Register*, <https://www.federalregister.gov/documents/search#advanced>; public laws from Government Publishing Office, Public and Private Laws, <https://www.govinfo.gov/app/collection/PLAW/>.

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